

Title 17 ZONING

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Chapter 17.04 INTRODUCTORY PROVISIONS

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17.04.010 Short title.

This title shall be known as the zoning ordinance or zoning code of the city, and may be cited and pleaded in either manner. (Prior code § 9-1-1)

17.04.020 Purpose.

This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of the city, providing for, among other things, less congestion in the streets, better building and development practices, adequate light and air, a logical classification of land uses and distribution of land development and utilization, protection of the tax base, economy in governmental expenditures, encouragement of agriculture and industrial pursuits in appropriate locations, and the protection of existing urban development. This title accomplishes these purposes by zoning the area lying within the city and by regulating the location, height, bulk and size of buildings and other structures; the percentage of lot which may be occupied; the size of yards, courts and open spaces; the uses of buildings and structures for trade, industry, residence, recreation, public activities or other purposes; and the uses of land for trade, industry, residence, recreation or other purposes; and, with Title 16, of these ordinances, regulates the subdivision of land within the city. (Prior code § 9-1-2)

17.04.030 Definitions.

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this title. The words "used" and "occupied" shall include arranged, designed, constructed, altered, converted, rented, leased or intended to be used or occupied. Words used in this title but not defined herein shall have the meanings as defined in any other ordinances adopted by the city.

"Accessory use or building" means a use or building on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or building.

"Advisory body" means a body of selected members that:

- (a) provides advice and makes recommendations to another person or entity who makes policy for the benefit of the general public;
- (b) is created by and whose duties are provided by statute or by executive order; and
- (c) performs its duties only under the supervision of another person or entity as provided by statute. (Definition derived from Utah Code Ann. § 68-3-12.)

"Agriculture" means the production of food through the tilling of the soil, the raising of crops, breeding and raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business designed for the processing of raw food products by packaging, treating and/or intensive feeding.

"Alley" means a public access-way less than twenty-six (26) feet in width, which is designed to give secondary access to lots or abutting properties. An alley shall not be considered a street for the purpose of this code.

"Appeal authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.

"Average grade" means an expression of rise or fall in elevation along the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is one hundred (100) percent grade.

"Average slope" means an expression of rise or fall in elevation along a line perpendicular to the contours of the land connecting the highest point of land to the lowest point of land within a lot or building area. A vertical rise of one hundred (100) feet between two points one hundred (100) feet apart measured on a horizontal plane is one hundred (100) percent slope.

"Basement" means a story whose floor is more than twelve (12) inches below the average level of the adjoining ground, but where no more than one-half of its floor-to-ceiling height is below the average contact level of the adjoining ground. A basement shall be counted as a story for purposes of height measurement, and as a half-story for the purposes of side-yard determination.

"Beginning of construction" means the excavation or recontouring of the site.

"Billboard" means a freestanding ground sign located on industrial, commercial, or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.

"Block" means an area of land within a subdivision entirely bounded by streets (other than alleys), freeways, railroad rights-of-way, natural barriers, or the exterior boundaries of the subdivision, or designated as a block on any recorded subdivision plat.

"Buildable area" means the portion of a lot remaining after required yards have been provided, except that land with an average slope exceeding fifteen (15) percent shall not be considered geotechnically buildable unless it is approved by conditional use permit.

"Building" means any structure used or intended to be used for the shelter, recreation, landscape enhancement or enclosure of persons, animals or property; includes all "structures".

Building, Height of. **"Height of building"** means the vertical distance from the average, finished grade surface at the foundation, to the highest point of the building roof or coping.

"Building official" means the person designated as the building official for the city by the city council.

"Cellar" means a room or rooms having more than fifty (50) percent of the floor to ceiling height under the average level of the adjoining ground.

“Charter school” includes:

- (a) an operating charter school;
- (b) a charter school applicant that has its application approved by a chartering entity in accordance with Utah Code Annotated, Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
- (c) an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

“Chief executive officer” means the:

- (a) mayor in municipalities operating under all forms of municipal government except the council-manager form; or
- (b) city manager in municipalities operating under the council-manager form of municipal government.

"Church" means a building, together with its accessory buildings and uses, maintained and controlled by a duly recognized religious organization where persons regularly assemble for worship and religious instruction.

Clinic, Dental or Medical. **"Dental or medical clinic"** means a building in which a group of dentists, physicians and/or allied professionals in the healing arts are associated for the conduct of their professions. The clinic may include a dental and/or medical laboratory and an apothecary, but it shall not include in-patient care or operating rooms for major surgery.

"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

"Condominium" means the ownership of a single unit in a multiunit project, together with an undivided interest in common in the common areas and facilities of the property as provided by state law. A condominium development is comparable to a subdivision in that each development is characterized by multiple individual ownerships in a single development; in a condominium development the multiple individual ownerships are in structures, whereas in subdivisions such ownerships are in land. For regulation purposes the development of a condominium project is treated by Utah State law and by this title as a subdivision, and condominium developments must comply with the subdivision regulations of this title.

“Constitutional taking” means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:

- (a) Fifth or Fourteenth Amendment of the Constitution of the United States; or
- (b) Utah Constitution Article I, Section 22.

"Crosswalk" (also "walkway" or "pedestrian way") means a right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a crosswalk or walkway or pedestrian-way may be located within or without a street right-of-way, at grade, or grade separated from vehicular traffic.

"Cul-de-sac" means a street which is designed to remain permanently closed at one end, with the closed end terminated by a vehicular turnaround. For purposes of this title, the length of a cul-de-sac shall be measured from the centerline of the intersecting street along the centerline of the cul-de-sac, to a point at the center of the cul-de-sac.

“Culinary water authority” means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.

"Culinary water facilities" means water supply lines, pumps, springs, wells and/or any other physical facilities necessary to provide a supply of culinary water to a use in sufficient quantity and of approved quality to meet the standards of this title.

"Day care center" or **"child nursery"** means an establishment for the care and/or the instruction of five or more children, for compensation, other than for members of the family residing on the premises, but not including a public school.

"Density" is a measure of the number of dwelling units per acre of area. It shall be expressed as dwelling units per acre (DU/acre).

1. Density, Gross. This is the maximum density that may be permitted in any zoning district.

2. Density, Net. This is the maximum density permitted on the buildable portion of the site and is calculated by dividing the total number of dwelling units by the net buildable site area. This density controls actual site capacity.

"Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. § 802, as amended.

"District" (also **"zone"** or **"zoning district"**) means a portion of the territory of the city established as a zoning district by this title, within which certain uniform regulations and requirements or various combinations thereof apply.

"Driveway" means a private roadway, the use of which is limited to persons residing, employed, or otherwise using or visiting the parcel on which the roadway is located.

"Dwelling" means any building or portion thereof designed or used as the principal residence or sleeping place of one or more persons or families, but not including a hotel, motel, hospital or nursing home.

"Dwelling unit" means a single unit providing complete, independent living facilities for one or more persons, including provisions for living, sleeping, eating, cooking and sanitation.

"Easement" means that portion of a lot or lots reserved for present or future use by a person or agency other than the legal owner(s) of said property(ies). The easement may be for use on, under or above the lot or lots.

"Elderly person" means a person who is 60 years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

"Exaction" means a condition, often in the form of impact fees, restrictive covenants or land dedication, imposed at the time of obtaining a building or other development permit used to aid the city in providing public services. Conditional requirements should comply with the standards established in Section 17.44.230 of this code.

"Family" means one or more persons related by blood, marriage, adoption or guardianship or a group of not more than five unrelated persons, living together as a single nonprofit housekeeping unit.

"Final plat" means a plat map prepared in accordance with the provisions of this title, which is designed to be placed on record in the office of the county recorder.

"Flag lot" means a lot with the buildable area at a distance from a public street, with access to that area provided by means of a narrow corridor or extension which connects the lot to a public street.

"Flood hazard" means a hazard to land or improvements due to inundation or overflow water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage buildings, or erode the banks of water courses.

"Flood plains" means areas adjoining any streams, ponds or lakes which are subject to one hundred (100) year-recurrence-interval floods on maps prepared by the Federal Emergency Management Agency (FEMA), or a study conducted by anyone else expert and experienced in the preparation of hydrological studies and the determination of flood lines.

"Floodplain soils" means areas subject to periodic flooding and listed in the soil survey prepared by the Federal Emergency Management Agency (FEMA) which encompasses the city as being on the floodplain or subject to flooding.

"Floor area" means the sum of the areas of the several floors of the building or structure, including areas used for human occupancy or required for the conduct of the business or use, and basements, attics and penthouses, as measured from the exterior faces of the walls. It does not include cellars, unenclosed porches, attics not used for human occupancy, nor any floor space in an accessory building or in the main building intended or designed for the parking of motor vehicles in order to meet the parking requirements of this title, or any such floor space intended and designed for accessory heating and ventilating equipment.

"Floor area ratio" means the ratio of the floor area to the lot area, as determined by dividing the floor area by the lot area.

"Frontage" means all property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts, or that common line between a lot and a public street. Street lines across which access is denied or cannot be had because of topography or for other reasons shall not constitute frontage for purposes of this title.

Frontage, Lot. **"Lot frontage"** means the lineal measurement of the front lot line.

"General Plan" means a document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality.

"Geologic hazard" means a hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, failure or shifting of the earth. Geologic hazards include but are not limited to, rockfills, slide areas, floodplains, fault lines, high water tables, and groundwater problems, such as liquefaction, etc.

"Grade" (also "lot grade" or "finished grade") means:

1. For buildings adjoining one street only, the elevation of the sidewalk at the center of the wall adjoining the street;
2. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;
3. For buildings having no wall adjoining the street, the average level of the finished surface of the ground adjacent to the centers of all exterior walls of the building;
4. Any wall parallel or nearly parallel to and not more than five feet from a street line is to be considered as adjoining the street.

"Home occupation" means an occupation of a person which is carried on by that person and/or others within the same family entirely within the dwelling unit in which the person or persons reside and which occupation is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or of the neighborhood. The home occupation shall not involve the use of any accessory building, either attached or detached, or yard space or activity outside the main building or use of more floor area than the equivalent of fifteen (15) percent of the main floor area of the dwelling unit, nor shall it involve the installation in the dwelling of special equipment and/or fixtures, and plumbing or electrical wiring or such special fixtures or equipment which are not ordinarily or customarily used in a dwelling; provided, however, that outside private swimming pools may be used for swimming instruction if the instruction is given only by members of the family related by blood, marriage or adoption who are residing within the dwelling. Neither shall a home occupation involve the use of any part of a dwelling for which, by reason of any state, federal or local law or ordinance, special or extra entrances or exits, or special rooms are required as a prerequisite condition to the operation of such use or for which such laws or ordinance require a license or permit. The planning commission may impose additional conditions pursuant to a conditional use permit.

"Hospital" means an institution providing health services, primarily for in-patients, and medical or surgical care of the sick or injured, including as an integral part of the institution such related facilities as laboratories, outpatient departments, training facilities, central service facilities, and staff offices.

"Hotel" means a building designed for or occupied as the more or less temporary abiding place of sixteen (16) or more individuals who are lodged for compensation, with or without meals.

"Identical plans" means building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:

- (a) located on land zoned the same as the land on which the building described in the previously approved plans is located; and
- (b) subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.

"Impervious surface" means surfaces that do not absorb rain including all buildings, parking areas, driveways, roads, sidewalks, and any areas in concrete and asphalt. Other areas determined by the local engineer to be impervious within the meaning of this definition will also be classed as impervious surfaces.

"Impervious surface ratio" means a measure of the intensity of land use determined by dividing the total area of all impervious surfaces within the site by the base site area.

"Improvement" means work, objects, devices, facilities or utilities required to be constructed or installed in a land development. Such improvements may include, but are not limited to, street construction to required standards, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, street trees, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction required by this title, subdivision regulations, or by the planning commission and/or city council for the necessary proper development of the proposed land development.

"Improvements agreement" means an agreement between the city and a developer, wherein the developer agrees to install improvements required by this title, subdivision regulations, or by the planning commission and/or city council for the necessary proper development of the proposed land development.

"Junk" means old or scrap copper, brass, rope, rags, batteries, plastic, paper, trash, rubber, waste, junked, dismantled, or wrecked automobiles or their parts, and iron, steel and other old or scrap ferrous or nonferrous material.

"Junk dealer" means all persons, firms or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, steel, aluminum and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper and other like materials.

"Junkyard" means any place, establishment or business maintained, used or operated for storing, keeping, buying or selling junk, or for the maintenance or operation of an automobile graveyard. "Junkyard" includes a salvage yard, war surplus yard, garbage dump, recycling facility, garbage processing facility and sanitary land fill.

"Kennel" means any premises where three or more dogs older than four months are kept, except that more than three of such dogs may be kept as accessory uses to a use allowed in the district.

Land, Agricultural. **"Agricultural land"** means land used or projected for agricultural use by the general plan or the zoning ordinance adopted by the city, but not including legally existing nonconforming uses located in areas so projected.

Land, Commercial. **"Commercial land"** means land used or projected for commercial use by the general plan or the zoning ordinance adopted by the city, except legally existing nonconforming uses in areas designated commercial in such ordinance.

Land, Industrial. **"Industrial land"** means land used or projected for industrial use by the general plan or the zoning ordinance adopted by the city, except legally existing non-conforming uses in areas designated industrial in such ordinance.

"Land use intensity" means the degree to which land is used by man ranging from no use to unremitting, continual and concentrated use of the land. Land use intensity is normally measured by:

- (a) type of use, i.e., agricultural, residential, commercial or industrial;
- (b) period of use in average hours per day;
- (c) numbers of humans, associated animals, and machines which occupy the land during the average hours of use; and
- (d) the percent of the land covered by manmade structures.

"Land use application" means an application required by the city's land use ordinance.

"Land use authority" means a person, board, commission, agency, or other body designated by the city council to act upon a land use application.

"Land use ordinance" means a planning, zoning, development, or subdivision ordinance of the city, but does not include the general plan.

"Land use permit" means a permit issued by a land use authority.

"Legislative body" means the city council.

"Lot" means a parcel or portion of land, established for purposes of sale, lease, finance, division of interest or separate use, or separated from other lands by description on a subdivision map and/or parcel map, and having frontage upon a street.

"Lot area" means the area contained within the property lines of the individual parcels of land as shown on a subdivision plat or required by this title, excluding any area within an existing street right-of-way, or any area required as open space under this title, and including the area of any easements.

Lot Area Per Dwelling Unit, Average. **"Average lot area per dwelling unit"** means the average lot area for all dwelling units of a single type. Individual lots may be smaller or larger than the average, provided that the average size is maintained and that all other standards of this title are met.

Lot, Corner. **"Corner lot"** means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five (135) degrees.

"Lot depth" means the horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

"Lot frontage" means the length, in feet, of the front lot line which is co-terminus with the front street line.

Lot, Interior. **"Interior lot"** means a lot other than a corner lot.

"Lot line adjustment" means the relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.

Lot Line, Front. **"Front lot line"** means for an interior lot, the lot line adjoining the street; for a corner lot or through lot, the front lot line is that lot line with closest access to the front entry to the house or structure.

Lot Line, Rear. **"Rear lot line"** means, ordinarily, that line of a lot which is opposite and most distant from the front line of the lot. In the case of a triangular or gore-shaped lot, a line ten (10) feet in length within the parcel parallel to and at a maximum distance from the front lot line. In cases where this definition is ambiguous, the zoning administrator shall designate the rear lot line.

Lot Line, Side. **"Side lot line"** means any lot boundary line not a front or rear lot line. However, this does not apply to any yard fronting on a street, which is by definition a front yard line.

Lot, Restricted. **"Restricted lot"** means a lot having an average slope of twenty-five (25) percent or more; a lot which does not contain at least seventy-five (75) feet by one hundred (100) feet, with an average slope of less than fifteen (15) percent; and/or a lot which has vehicular ingress to the main building or structure which, upon completion of construction on the site, has a slope of fifteen (15) percent or greater; or a lot subject to geologic hazards.

Lot, Unrestricted. **"Unrestricted lot"** means a lot having an average slope of less than twenty-five (25) percent and containing a buildable area of at least seventy-five (75) feet by one hundred (100) feet, with an average slope of less than fifteen (15) percent, which buildable area is designated as such on the subdivision plat in which the lot is located, if the average slope of the lot is greater than fifteen (15) percent.

"Lot width" means the horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter.

"Merchandise" means any tangible personal property displayed, held or offered for sale by a merchant in the city.

"Mobile home" means a detached single-family dwelling of not less than thirty (30) feet in length, designed for long-term occupancy, and to be transported on its own wheels or on flatbed or other trailers or detachable wheels; and which has not been demonstrated to conform to the building code for other residences adopted by the city. In determining if such a dwelling is designed for long-term occupancy, the following criteria shall be used: Such a dwelling contains a flush toilet, sleeping accommodations, a tub or shower bath, kitchen facilities, and plumbing and electrical connections provided for attachment to appropriate external systems, which is ready for occupancy except for connections to utilities and other minor work.

"Mobile home lot" means a space designed and approved by the city for occupancy by mobile homes, and meeting all requirements of this title.

"Mobile home park" means a parcel of land that has been planned and improved for the placement of mobile homes for non-transient use and consisting of two or more mobile home spaces, when the entire project is to be under single ownership or management and meets all of the requirements of this title for mobile home parks.

"Mobile home space" means a space within a mobile home park designed and to be used for the accommodation of one mobile home.

"Mobile home subdivision" means a subdivision designed and intended for residential use where the lots are to be individually owned or leased, and occupied by mobile homes.

"Moderate income housing" means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in Davis County.

"Modular home" means a permanent dwelling structure built in prefabricated units which are assembled and erected on the site or at another location and brought as a unit to the site. Such a home is classed as a mobile home until it is placed on a permanent foundation.

"Nominal fee" means a fee that reasonably reimburses the city only for time spent and expenses incurred in:

- (a) verifying that building plans are identical plans; and
- (b) reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.

"Noncomplying structure" means a structure that:

- (a) legally existed before its current land use designation; and
- (b) because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

"Nonconforming use" means a use of land that:

- (a) legally existed before its current land use designation;
- (b) has been maintained continuously since the time the land use ordinance governing the land changed; and
- (c) because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

"Nursing home" (also **"rest home"** or **"convalescent home"**) means a home for the aged, chronically ill, or incurable persons in which three or more persons not of the immediate family are received, kept or

provided with food and shelter or care for compensation; but not including hospitals, clinics or similar institutions devoted primarily to the diagnosis and treatment of the sick or injured.

"Official map" means a map drawn by municipal authorities and recorded in a county recorder's office that:

- (a) shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
- (b) provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
- (c) has been adopted as an element of the municipality's general plan.

"Open space" means land used for recreation, agriculture, resource protection, amenity or buffers which is freely accessible to all residents of the development, except in the case of agricultural lands where access may be restricted. Open space does not include land occupied by nonrecreational buildings, roads, or road rights-of-way; nor does it include the yards or lots of single or multiple-family dwelling units or parking areas as required by the provisions of this title. Open space should be left in a natural state, except in the case of recreation uses which may contain impervious surfaces. Such impervious surfaces shall be included in the calculation of the impervious surface ratio.

"Open space ratio" means a measure of the intensity of land use. It is arrived at by dividing total amount of open space within the site by the base site area.

"Outdoor merchandising" means displaying, holding or offering any tangible personal property for sale by a merchant in the open areas of the lot.

"Outdoor storage" means the use of open areas of the lot for storage of items used for non-retail or industrial uses and the storage of bulk materials such as sand, gravel and other building materials.

"Outdoor storage" also includes contractor's yards and salvage or recycling areas. "Outdoor storage" does not mean tangible personal property displayed, held or offered for sale by a merchant in the open areas of the lot.

"Parking facility" (also **"parking lots"** or **"parking structures"**) means a building or open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation, or accommodation for clients or customers.

"Permanent monument" means any structure of concrete, masonry and/or metal permanently placed on or in the ground, including those expressly placed for surveying reference, which meets the requirements of the city for permanent monuments.

"Permitted use" means a use of land which is allowed within a particular district without the necessity of obtaining a conditional use permit.

"Person" means an individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

"Planned unit development (PUD)" means an integrated design for development of residential, commercial or industrial uses, or limited combinations of such uses, in which the density and location regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with an approved plan and imposed requirements. Planned unit development regulations may govern the subdivision of land if it is proposed by the development to sell individual lots in the planned unit development. Thus planned unit development regulations can be subdivision regulations which may be chosen by the developer as an

alternative to specifically designated subdivision regulations of this title, to become effective only through the planned unit development approval process.

“Plan for moderate income housing” means a written document adopted by the city council that includes:

- (a) an estimate of the existing supply of moderate income housing located within the city;
- (b) an estimate of the need for moderate income housing in the city for the next five years as revised biennially;
- (c) a survey of total residential land use;
- (d) an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and
- (e) a description of the city’s program to encourage an adequate supply of moderate income housing.

“Principal use” means any use which is named and listed in the use regulation provisions of this title, except those uses specifically designated as accessory uses; any use which is or may be conducted on a lot independently; any use on the lot not incidental or accessory to any other use on the lot; any use which establishes the primary activity on a lot.

“Public hearing” means a hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.

“Public meeting” means a meeting that is required to be open to the public under Utah Code Annotated, Title 52, Chapter 4, Public and Open Meetings Act.

“Residential facility for disabled family member” means a separate dwelling unit within a single-family dwelling that provides independent living arrangements for a person with a disability who is related by blood, marriage, adoption or guardianship to the family occupying the single-family dwelling. A dwelling housing a residential facility for disabled family member must appear from its exterior to be a single-family dwelling, and its interior must provide for access between the separate dwelling units. O more than two separate residential facilities for disabled family member shall, in addition to the primary single-family dwelling unit, shall be allowed in any single-family dwelling. A conditional use permit for a residential facility for disabled family member may be issued for a period of two years. The permit may be renewed for successive two-year periods upon submission to the city of a report identifying the facility’s occupants, and certifying the disability of one or more of the occupants as well as compliance with the zoning ordinance.

“Residential facility for elderly persons” means a single-family or multiple-family dwelling unit that meets the requirements of Utah Code Ann. § 10-9a-516, but does not include a health care facility as defined by Utah Code Ann. § 26-21-2.

“Residential facility for persons with a disability” means a residence:

- (a) In which more than one person with a disability resides; and
- (b) is licensed or certified by the Department of Human Services under Utah Code Annotated, Title 62A, Chapter 2, Licensure of Programs and Facilities or is licensed or certified by the Department of Health under Utah Code Annotated, Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act.
- (c) which meets the requirements of Utah Code Ann. § 10-9-605, as amended.

“Residential health care facility” means a facility providing assistance with activities of daily living and social care of two or more residents who require protected living arrangements. Residents shall meet the following criteria before being admitted:

- (a) be ambulatory or mobile and be capable of taking life-saving action in an emergency;

- (b) have stable health and:
 - (i) require no assistance or only minimal assistance from facility staff in the activities of daily living,
 - (ii) be capable of managing their own medication,
 - (iii) be able to manage their personal hygiene;
- (c) A physician shall provide a written statement that the resident is capable of functioning in a residential care facility with minimal assistance.

"Right-of-way" means that portion of land dedicated to public use for street and/or utility purposes or maintained in private use for similar purposes.

"Roadway width" means the street measurement taken from curb to curb; in instances where there is battered or roll curb, this measurement is taken to the back of curbs.

"Sanitary sewer authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

"Scrap metal processor" means any person who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel or nonferrous scrap into prepared grades, and whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.

"Sign" means a presentation or representation of words, letters, figures, designs, pictures or colors, publicly displayed so as to give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid; also, any lighting systems, attachments, ornaments or other features used to draw the attention of observers.

"Sign area" means the entire background area of a sign upon which copy could be placed. In computing area of a sign background, only ~~that~~ the face or faces which can be seen from one direction at one time shall be counted. The supporting incidental structure of the sign shall not be used in computing sign area.

Sign, Height of. **"Height of sign"** means the vertical distance measured from the nearest finished grade to the top of the sign, excluding any superficial trim. In the case of a roof sign, the maximum height shall be measured from the roof line or the parapet level, if applicable, at the location of such sign.

Sign, Off-Premise. **"Off-premise sign"** means a sign which advertises a product or service not available on the premises where the sign is located.

"Site" means a parcel or parcels of land intended to have one or more buildings or intended to be subdivided into one or more lots.

"Site area" means all land area within the site as defined in the deed. Area shall be from an actual survey rather than from a deed description.

"Site plan" means a scaled drawing of and information pertaining to a proposed development site.

"Snipe signs" means signs attached to trees, telephone poles, public benches, streetlights or placed on any public property or public right-of-way.

"Storage" means keeping or retaining tangible personal property in the city for any purpose including the storage of tangible personal property used for nonretail or industrial trade. "Storage" does not include keeping or retaining tangible personal property held for sale in the regular course of business.

"Streets" means a public right-of-way, including a highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easement, or other way. Streets may be public or private. Public streets are those streets which have been dedicated or abandoned to the public and then accepted by proper public authority. All other streets are private streets. Streets may also be classified as to ability to channel traffic. A minor (or local) street is thus a street, existing or proposed, which serves or is intended to serve the local needs of a neighborhood and is of limited continuity. A collector street is a street, existing or proposed, which is a primary means of access to major streets. A major street, on the other hand, is a street, existing or proposed, which serves or is intended to serve as a primary traffic artery. Streets are generally identified as to their traffic-carrying role by so designating each street on the master street plan of the city.

Street, Frontage. **"Frontage street"** means a minor street which is parallel to and adjacent to a limited access major street and which provides access to abutting properties and protection from through traffic.

"Structure" means anything constructed, the use of which requires fixed location on the ground, or attachment to something having a fixed location upon the ground, including "buildings."

"Subdivider" means any person, firm, corporation, partnership or association who causes land to be divided into a subdivision.

"Subdivision" means any land that is divided, resubdivided or proposed to be divided into two or more lots, parcels, sites, units, plots or other division of land for the purpose, whether immediate or future, of offer, sale, lease or development either on an installment plan or upon any and all other plans, terms and conditions; see section 16.04.020 for more information regarding "subdivisions".

"Tangible personal property" means:

- (a) All goods, wares, merchandise, produce and commodities;
- (b) All tangible or corporeal things and substances which are dealt in or capable of being possessed or exchanged;
- (c) Water in bottles, tanks or other containers;
- (d) All other physically existing articles or things, including property severed from real estate.

"Unincorporated" means the area outside of the incorporated area of a city or town.

"Wetlands" means areas known as marshes, swamps or wetlands, including areas greater than one-quarter acre where standing water is retained for a portion of the year and unique vegetation has adapted to the area or those areas specifically so designed by the Army Corps of Engineers.

"Yard" means a required open space on a lot, other than a court, unoccupied and unobstructed from the ground upward, except as permitted elsewhere in this title.

Yard, Front. **"Front yard"** means a space on the same lot with a building, between the front line of the building and the front lot line, and extending across the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the building. (Note: On a corner lot there are two front yards.)

Yard, Rear. **"Rear yard"** means a space on the same lot with a building, between the rear line of the building and the rear lot line, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the building.

Yard, Side. "**Side yard**" means a space on the same lot with a building, between the side line of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the side line of the building. (Note: Corner lots do not have two side yards.)

"**Zoning administrator**" means the building inspector or other person designated by the city council to enforce the regulations of this title. (Ord. 269-00 (part); Ord. 264-00 (part); Ord. 253-98 (part); prior code § 9-4-1)

"**Zoning map**" means a map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

Chapter 17.08 ADMINISTRATION, CONSTRUCTION AND ENFORCEMENT

Sections:

17.08.010 Interpretation of provisions.

17.08.020 Conflict of provisions.

17.08.030 Effect on previous ordinances and maps.

17.08.040 Licensing.

17.08.050 Legal remedies for violation.

17.08.060 Zoning administrator--Appointment.

17.08.070 Zoning administrator--Ordinance interpretation.

17.08.080 Zoning administrator--Application.

17.08.090 Zoning administrator--Building permits--Review.

17.08.100 Zoning administrator--Inspection.

17.08.110 Enforcement authority.

17.08.010 Interpretation of provisions.

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth. (Prior code § 9-1-3)

17.08.020 Conflict of provisions.

This title shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. (Prior code § 9-1-4)

17.08.030 Effect on previous ordinances and maps.

The existing ordinances covering zoning, in their entirety, and including the maps heretofore adopted and made a part of said ordinances, are superseded and amended to read as set forth herein; provided, however, that this title, shall be deemed a continuation of previous codes and not a new enactment, insofar as the substance of revisions or previous codes is included in this title, whether in the same or in different language. This title, with other applicable provisions of these ordinances, shall be so interpreted upon all questions of construction relating to tenure of officers and boards established by previous codes to questions of conforming or non-conforming uses and buildings and structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming. (Prior code § 9-1-5)

17.08.040 Licensing.

All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings or purposes when the same would be in conflict with the provisions of this title, or other applicable provisions of these ordinances. Any such permit or license issued in conflict with the provisions hereof shall be null and void. (Prior code § 9-1-6)

17.08.050 Legal remedies for violation.

Any person, firm or corporation, whether as principal, agent or employee, who violates or causes the violation of any of the provisions of this title shall be guilty of a Class B misdemeanor and upon conviction thereof shall be punished as provided by law.

In addition the following may institute injunction, mandamus, abatement or any other appropriate action or proceeding to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, or maintenance or use:

A. The city by action of the city council; or

B. Any owner of real estate within the zoning district in which an alleged violation of this title has occurred. (Prior code § 9-1-7)

17.08.060 Zoning administrator--Appointment.

The position of zoning administrator is established. The zoning administrator shall be appointed by the mayor with the advice and consent of the city council. The zoning administrator shall have the powers and duties as are set forth herein. (Prior code § 9-5-1)

17.08.070 Zoning administrator--Ordinance interpretation.

The zoning administrator is authorized to interpret this zoning code and the zoning map. (Prior code § 9-5-2)

17.08.080 Zoning administrator--Application.

Applications for all use permits, site plan approvals, conditional use permits, zoning amendments, and certificates of non-conformance shall be made to the zoning administrator. (Prior code § 9-5-3)

17.08.090 Zoning administrator--Building permits--Review.

All building permits shall be reviewed and approved by the zoning administrator for conformance to the requirements of this title prior to issuance. (Prior code § 9-5-4)

17.08.100 Zoning administrator--Inspection.

The zoning administrator shall have the right to enter any property or building for the purpose of determining the use thereof or for the purpose of determining compliance with the provisions of this title; provided, that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction. (Prior code § 9-5-5)

17.08.110 Enforcement authority.

The zoning administrator is designated and authorized as the officer charged with the enforcement of this title. The zoning administrator shall enforce all the provisions of this title, entering actions in a court of competent jurisdiction when necessary. Failure to take such action by the zoning administrator shall not legalize any violation of the provisions of this title. (Prior code § 9-5-6)

Chapter 17.12 ZONING DISTRICTS ESTABLISHED

Sections:

17.12.010 Establishment of zoning districts.

17.12.020 Filing of zoning code and map.

17.12.030 Rules for locating boundaries.

17.12.040 Authorized uses within districts are plenary.

17.12.050 Additional requirements in each district.

17.12.060 Zoning at time of annexation.

17.12.010 Establishment of zoning districts.

For the purposes of this title, the territory of the city is divided into the following zoning districts as shown on the official zoning maps herewith adopted as part of the zoning ordinance of the city:

- A. Agricultural district, A-1;
- B. Residential district, R-1-22;
- C. Residential district, R-1-10;
- D. Neighborhood commercial district, C-N;
- E. General commercial district, C-G;
- F. Light industrial district, L-I; and

G. General industrial district, I-G.

The designation of a district on the zoning map of the city shall officially and legally constitute the area so designated and contained within the district as part of said district and subject to the use and building privileges, limitations and conditions relating to such district as set forth in this title and elsewhere in these ordinances. (Prior code § 9-6-1)

17.12.020 Filing of zoning code and map.

This zoning code and map or maps shall be filed in the custody of the city recorder and may be examined by the public subject to the reasonable regulations established by the recorder. (Prior code § 9-6-2)

17.12.030 Rules for locating boundaries.

When uncertainty exists as to the boundary of any district, the following rules shall apply:

- A. Wherever the district boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley, block or such property line shall be construed to be the boundary of such district;
- B. Whenever such boundary line of such district is indicated as being approximately at the line of any river, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land, or any section line, then the center of such river or stream, canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of such district;
- C. When district boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map;
- D. When the application of the above rules does not clarify the district boundary location, the planning commission shall interpret the map; and
- E. When a zoning district boundary cuts through a lot existing at the time of adoption of this zoning code, the use regulations governing the portion of the lot located within the more restrictive zone shall govern the use and development of the entire lot, unless a variance has been granted by the board of adjustment in accordance with the limitations of Section 16.24.010, and except for legally existing non-conforming uses and buildings on the lot. (Prior code § 9-6-3)

17.12.040 Authorized uses within districts are plenary.

The uses of land allowed in each district shall be plenary and uses of land not specifically allowed as set forth therein shall be prohibited in the respective district. (Prior code § 9-6-4)

17.12.050 Additional requirements in each district.

In addition to the requirements imposed within each district, the requirements of Chapters 17.08, 17.48 and 17.56 are applicable in all districts. Requirements of Chapters 17.32, 17.36, 17.40, 17.44 and 17.60 may also be applicable in each of the other districts, and the applicability of these chapters shall be evidenced by the zoning map and/or pertinent sections of this title. (Prior code § 9-6-5)

17.12.060 Zoning at time of annexation.

If land is to be annexed to the city, the planning commission and city council shall proceed with rezoning procedures as required for land within the city and shall declare the land upon annexation to be zoned to the zoning district or districts determined appropriate by such procedures and by declaration of the city council. (Prior code § 9-6-6)

Chapter 17.16 AGRICULTURAL DISTRICT, A-1

Sections:

17.16.010 Purpose.

17.16.020 Permitted uses.

17.16.030 Conditional uses.

17.16.040 Area and frontage regulations.

17.16.050 Yard regulations.

17.16.060 Height regulations.

17.16.070 Density.

17.16.080 Farm animal regulations.

17.16.090 Outdoor storage.

17.16.010 Purpose.

The purpose of providing an agricultural district is to promote and preserve in appropriate areas conditions favorable to agriculture and to maintain greenbelt open spaces. This district is intended to include activities normally and necessarily related to the conduct of agriculture and to protect the district from the intrusion of uses harmful to the continuance of agricultural activity. It is also intended to allow and promote conditions favorable to large-lot family life, the keeping of limited numbers of animals and fowl, and reduced requirements for public utilities. (Prior code § 9-7-1)

17.16.020 Permitted uses.

The following uses are permitted in agricultural districts:

- A. Agriculture;
- B. Farm animals, see Section 17.16.080;
- C. Single-family dwelling; and
- D. Residential facilities for persons with a disability. (Ord. 251-98 (part): prior code § 9-7-2)

17.16.030 Conditional uses.

The following uses are conditional in agricultural districts:

- A. Equestrian facilities, commercial stables;
- B. Public or quasi-public uses;
- C. Child day care or nursery;
- D. Flag lots;
- E. Home occupations;
- F. Natural resource extraction;
- G. Planned unit development (PUD);
- H. Residential facility for elderly persons; and
- I. Kennels. (Ord. 251-98 (part): prior code § 9-7-3)
- J. Residential facility for a disabled family member

17.16.040 Area and frontage regulations.

The following area and frontage regulations apply in agricultural districts:

- A. The minimum residential lot size shall be one acre; this shall not apply to PUDs which shall be regulated by provisions of Chapter 17.68; and
- B. The minimum lot width shall be eighty-five (85) feet. (Prior code § 9-7-4)

17.16.050 Yard regulations.

The following regulations apply in an agricultural district:

- A. Front Yard. The minimum front yard setback for all structures shall be thirty (30) feet;
- B. Side Yard. The minimum side yard setback shall be ten (10) feet for any one side, and a combined total of twenty-four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used) or unless as otherwise approved through a conditional use permit by the planning commission. On corner lots, the side yard facing the street shall be not less than thirty (30) feet; and
- C. Rear Yard. The minimum rear yard for all main structures shall be thirty (30) feet. Minimum rear yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used), or unless otherwise approved through a conditional use permit by the planning commission. (Prior code § 9-7-5)

D. Distance between Main Structures and Accessory Buildings. The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved through a conditional use permit by the planning commission.

E. No Building on Recorded Easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement (i.e. Public Utility Easements, etc).

(Revisions approved by the City Council on Feb. 17th, 2009 by Ord. 308-09)

17.16.060 Height regulations.

No structure shall be erected to a height greater than thirty-five (35) feet. (Prior code § 9-7-6)

17.16.070 Density.

The maximum net density allowed shall be no more than one unit per acre. (Prior code § 9-7-7)

17.16.080 Farm animal regulations.

A. Large and medium farm animals and fowl may be kept for family use outside dwellings, provided, that all pens, barns, coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy-five (75) feet from any neighboring dwellings.

B. Farm animals and fowl may be kept on properties with a minimum area of one acre, according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating one hundred (100) points (or prorated for any part thereof).

1. Large animals such as horses and cows: forty (40) points each;
2. Medium animals such as sheep and goats: twenty (20) points each;
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: four points each; and
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): forty (40) points each.

C. All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. All manure, droppings or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title. (Prior code § 9-7-8)

17.16.090 Outdoor storage.

Storage shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix following this title. (Ord. 269-00 (part): prior code § 9-7-9)

Chapter 17.20 RESIDENTIAL DISTRICT, R-1-22

Sections:

17.20.010 Purpose.

17.20.020 Permitted uses.

17.20.030 Conditional uses.

17.20.040 Area, width and frontage regulations.

17.20.050 Yard regulations.

17.20.060 Height regulations.

17.20.070 Density.

17.20.080 Farm animal regulations.

17.20.090 Outdoor storage.

17.20.010 Purpose.

The residential district R-1-22 is established to provide for very low density single-family residential neighborhoods of spacious and uncrowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. The regulations are intended to preserve and enhance residential character and lifestyle. (Prior code § 9-8-1)

17.20.020 Permitted uses.

The following uses are permitted in residential districts, R-1-22:

- A. Agricultural;
- B. Single-family dwellings;
- C. Farm animals, see Section 17.20.080; and
- D. Residential facility for persons with a disability. (Ord. 251-98 (part): prior code § 9-8-2)

17.20.030 Conditional uses.

The following uses are conditional in residential districts, R-1-22:

- A. Child day care or nursery;
- B. Flag lot;
- C. Home occupation;
- D. Planned unit development;
- E. Public, quasi-public uses; and
- F. Residential facility for elderly persons. (Ord. 251-98 (part): prior code § 9-8-3)

17.20.040 Area, width and frontage regulations.

The following area, width and frontage regulations apply in residential district R-1-22:

- A. Minimum residential lot size shall be one-half acre;
- B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet; and
- C. Minimum lot frontage shall be fifty (50) feet. (Prior code § 9-8-4)

17.20.050 Yard regulations.

The following yard regulations apply in residential district R-1-22:

- A. Front Yard. Minimum front yard setback for all structures shall be thirty (30) feet;
- B. Side Yard. Minimum side yard setback for any one side shall be ten (10) feet for any one side, and a combined total of twenty-four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used), or unless otherwise approved through a conditional use permit by the planning commission. On corner lots, the side yard facing the street shall be not less than twenty (20) feet; and
- C. Rear Yard. The minimum rear yard for all main structures shall be thirty (30) feet. Minimum rear yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used), or unless otherwise approved through a conditional use permit by the planning commission. (Prior code § 9-8-5)
- D. Distance Between Main Structures and Accessory Buildings. The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved through a conditional use permit by the planning commission.
- E. No Buildings on Recorded Easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement (i.e. Public Utility Easements, etc).

(Revisions approved by the City Council on Feb. 17th, 2009 by Ord. 308-09)

17.20.060 Height regulations.

No main structure shall be erected to a height greater than thirty-five (35) feet as measured from the lowest finished ground level to the highest roof structure including chimney structures. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher or contain greater square foot floor area than the principal building to which it is accessory unless otherwise approved through a conditional use permit issued by the planning commission. (Ord. 264-00 (part): prior code § 9-8-6)

17.20.070 Density.

The maximum net density allowed shall be no more than two units per acre. (Prior code § 9-8-7)

17.20.080 Farm animal regulations.

A. Large and medium farm animals and fowl may be kept for family use outside dwellings; provided, that all pens, barns, coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy-five (75) feet from any neighboring dwellings.

B. Farm animals and fowl may be kept on properties with a minimum area of one acre, according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating one hundred (100) points (or prorated for any part thereof).

1. Large animals such as horses and cows: forty (40) points each;
2. Medium animals such as sheep and goats: twenty (20) points each;
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: four points each; and
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): forty (40) points each.

C. All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. All manure, droppings or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title. (Prior code § 9-8-8)

17.20.090 Outdoor storage.

Storage shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix following this title. (Ord. 269-00 (part): prior code § 9-8-9)

Sections:

17.24.010 Purpose.

17.24.020 Permitted uses.

17.24.030 Conditional uses.

17.24.040 Area, width and frontage regulations.

17.24.050 Yard regulations.

17.24.060 Height regulations.

17.24.070 Density.

17.24.080 Farm animal regulations.

17.24.090 Outdoor storage.

17.24.010 Purpose.

The residential district R-1-10 is established to provide for low density single-family residential neighborhoods of spacious and uncrowded character. The regulations of this chapter provide for single-family dwellings and, with proper concern for potential impact, special residential developments, and certain public and quasi-public activities that will serve the needs of families. These regulations are intended to preserve and enhance residential character and lifestyle. (Prior code § 9-9-1)

17.24.020 Permitted uses.

The following uses are permitted in residential districts, R-1-10:

- A. Agricultural;
- B. Single-family dwellings;
- C. Farm animals, see Section 17.24.080; and
- D. Residential facility for persons with a disability. (Ord. 251-98 (part); prior code § 9-9-2)

17.24.030 Conditional uses.

The following uses are conditional in residential districts, R1-10:

- A. Agricultural;
- B. Single-family dwellings;
- C. Home occupation;
- D. Planned unit development;

E. Public, quasi-public uses; and

F. Residential facility for elderly persons. (Ord. 251-98 (part): prior code § 9-9-3)

17.24.040 Area, width and frontage regulations.

The following area, width and frontage regulations apply in residential district R-1-10:

A. Minimum residential lot size shall be ten thousand (10,000) square feet;

B. Minimum lot width at the front yard setback line shall be eighty-five (85) feet; and

C. Minimum lot frontage shall be forty-five (45) feet. (Prior code § 9-9-4)

17.24.050 Yard regulations.

The following yard regulations apply in residential district R-1-10:

A. Front Yard. Minimum front yard setback for all structures shall be thirty (30) feet;

B. Side Yard. Minimum side yard setback shall be ten (10) feet for any one side, and a combined total of twenty-four (24) feet for both sides, for all main structures. Minimum side yard setback for accessory structures shall be six (6) feet, unless fire coded (three(3) feet minimum if fire code is used), or unless otherwise approved through a conditional use permit by the planning commission. On corner lots, the side yard facing the street shall be not less than twenty (20) feet;

C. Rear Yard. The minimum rear yard for all main structures shall be thirty (30) feet. Minimum rear yard setback for accessory structures shall be six (6) feet, unless fire coded (three (3) feet minimum if fire code is used), or unless otherwise approved through a conditional use permit by the planning commission. (Prior code § 9-9-5)

D. Distance Between Main Structures and Accessory Building. The minimum distance between all main structures and accessory use buildings shall be ten (10) feet, unless otherwise approved through a conditional use permit by the planning commission.

E. No Buildings on Recorded Easements. Main structures and permanent accessory buildings shall not be built on or over any recorded easement (i.e. Public Utility Easements, etc).

(Revisions approved by the City Council on Feb. 17th, 2009 by Ord. 308-09)

17.24.060 Height regulations.

No main structure shall be erected to a height greater than thirty-five (35) feet measured from the lowest finished ground level to the highest roof structure including chimney structures. Accessory buildings shall not be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher or contain greater square foot floor area than the principal building to which it is accessory unless otherwise approved through a conditional use permit by the planning commission. (Ord. 264-00 (part): prior code § 9-9-6)

17.24.070 Density.

The maximum net density allowed shall be no more than 4.3 units per acre. (Prior code § 9-9-7)

17.24.080 Farm animal regulations.

A. Large and medium farm animals and fowl may be kept for family use outside dwellings; provided, that all pens, barns, coops, stables or similar structures are located not less than ten (10) feet from any property line and seventy-five (75) feet from any neighboring dwellings.

B. Farm animals and fowl may be kept on properties according to the following schedule:

For each acre, a parcel shall be eligible to contain or house animals rating one hundred (100) points (or prorated for any part thereof).

1. Large animals such as horses and cows: forty (40) points each;
2. Medium animals such as sheep and goats: twenty (20) points each;
3. Small animals such as ducks, chickens, geese, rabbits and turkeys: four points each; and
4. Pigs (provided that pens are located at least two hundred (200) feet from neighboring dwellings): forty (40) points each.

C. All animals must be kept in an area enclosed by a fence or structure sufficient to prohibit escape. All manure, droppings or other waste or debris must be kept from becoming offensive, annoying or a health hazard. Premises and structures must be maintained in a normal, safe, reasonable, sightly and healthful condition consistent with the intent of this title and other applicable ordinances of the city and county.

D. Failure to maintain areas where farm animals are kept in a normal, reasonable, sightly and healthful condition shall invalidate any use specified in this section and shall subject the owner to penalties and/or fines as specified elsewhere in this title. (Prior code § 9-9-8)

17.24.090 Outdoor storage.

Storage shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix following this title. (Ord. 269-00 (part): prior code § 9-9-9)

Chapter 17.26 BLENDED USE DISTRICT, B-U

See Ord. 312-09, adopted June 30, 2010, for official code

Chapter 17.28 NEIGHBORHOOD COMMERCIAL DISTRICT, C-N

Sections:

17.28.010 Purpose.

17.28.020 Permitted uses.

17.28.030 Conditional uses.

17.28.040 Area and frontage regulations.

17.28.050 Yard regulations.

17.28.060 Height regulations.

17.28.070 Off-street parking.

17.28.080 Development standards.

17.28.010 Purpose.

The C-N neighborhood commercial district is intended to provide areas in appropriate locations where convenience buying outlets may be established to serve surrounding residential neighborhoods. The regulations of this district are designed to promote a combination of retail and service facilities which in character and scale are necessary to meet day-to-day needs of area residents in a manner which will minimize any hazard or nuisance to adjacent residential areas. (Prior code § 9-10-1)

17.28.020 Permitted uses.

The following uses are permitted in the C-N neighborhood commercial districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning pickup station;
- D. General merchandise sales (retail and wholesale) less than two thousand (2,000) square feet;
- E. Offices, business or professional;
- F. Personal services;
- G. Public and quasi-public institutions;
- H. Convenience store, less than two thousand (2,000) square feet;
- I. Learning studios such as karate, dance, gymnastics;
- J. Real estate and/or insurance offices;
- K. Computers: software and hardware, sales and service;
- L. Office machine: sales and service;
- M. Ceramic business; and

N. Carpet cleaning. (Prior code § 9-10-2)

17.28.030 Conditional uses.

The following uses are conditional in the C-N neighborhood commercial districts:

- A. Reception center, meeting hall;
- B. Restaurants, cafeterias and fast food eating establishments;
- C. Banking and financial services;
- D. Custom woodworking (as approved by fire marshal)
- E. Sheet metal;
- F. Contractor: general, electrical, mechanical and plumbing, etc.
- G. Printing and publishing;
- H. Silkscreening;
- I. Lawn and yard care;
- J. Residential healthcare facility; and
- K. Business and uses which are similar to those listed in this section and Section 17.28.020 and other small businesses determined suitable for a neighborhood environment by the planning commission. (Ord. 253-98 (part); prior code § 9-10-3)

17.28.040 Area and frontage regulations.

There shall be no area or frontage requirement for an individual lot in a C-N district, except that each such lot shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets. (Prior code § 9-10-4)

17.28.050 Yard regulations.

The following regulations apply in C-N neighborhood commercial district:

- A. Front Yard. The minimum front yard setback for all structures shall be thirty (30) feet.
- B. Side Yard. The minimum side yard setback for all structures shall be ten (10) feet unless fire coded (six feet if fire code is used), except when the parcel abuts any residential district a side yard of at least thirty (30) feet shall be provided on that side adjacent to the residential zone. The side yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.
- C. Rear Yard. The minimum rear yard setback for all structures shall be twenty (20) feet, except when the parcel abuts a residential district a rear yard of thirty (30) feet shall be provided. The

rear yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. (Prior code § 9-10-5)

17.28.060 Height regulations.

No structure shall be erected to a height greater than thirty-five (35) feet. (Prior code § 9-10-6)

17.28.070 Off-street parking.

A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.

B. No parking space shall be provided that would allow a vehicle to back out directly into a public street. (Prior code § 9-10-7)

17.28.080 Development standards.

A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.

B. Landscaping. No less than fifteen (15) percent of the total lot area shall be landscaped. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.

C. Outdoor Storage and Merchandising. Storage and merchandising shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix following this title. (Ord. 269-00 (part); prior code § 9-10-8)

Chapter 17.32 GENERAL COMMERCIAL DISTRICT, C-G

Sections:

17.32.010 Purpose.

17.32.020 Permitted uses.

17.32.030 Conditional uses.

17.32.040 Area and frontage regulations.

17.32.050 Yard regulations.

17.32.060 Height regulations.

17.32.070 Off-street parking.

17.32.080 Development standards.

17.32.010 Purpose.

The C-G general commercial district is intended to provide areas in appropriate locations where a combination of business, commercial, entertainment and related activities may be established, maintained and protected. Regulations of this district are designed to provide a suitable environment for those commercial and service uses which are vital to economic life and provide commercial services to the community. (Prior code § 9-11-1)

17.32.020 Permitted uses.

The following uses are permitted in C-G general commercial districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Drug store;
- C. Dry cleaning;
- D. General merchandise sales;
- E. Offices, business and professional;
- F. Personal services;
- G. Public and quasi-public institutions;
- H. Convenience store;
- I. Banking and financial services;
- J. Restaurants, cafeterias and fast food eating establishments;(Prior code § 9-11-2)

17.32.030 Conditional uses.

The following uses are conditional in C-G general commercial districts:

- A. Liquor, retail, package store;
- B. Drinking places (alcoholic beverages);
- C. Residential health care facility;
- D. reception center, meeting hall;
- E. Motor vehicle sales and service (excluding auto body repair);
- F. Grocery store;
- G. Lumber and other building material, retail sales;

H. Marine and aircraft retail sales, and accessories;

I. Theaters;

J. Commercial schools;

K. Hospitals and medical service facilities;

L. Hotel, Motel and extended stay facilities; and

M. Other retail businesses which are similar to those listed in this section and Section 17.32.020, as determined by the planning commission. (Ord. 253-98 (part): prior code § 9-11-3)

17.32.040 Area and frontage regulations.

There shall be no area or frontage requirement for an individual lot in the C-G district except that each shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets. (Prior code § 9-11-4)

17.32.050 Yard regulations.

The following regulations apply in the C-G general commercial district:

A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet;

B. Side Yard. The minimum side yard setback for all structures in a CG zone shall be ten (10) feet except when the planning commission determines a zero to ten (10) foot lot line is desirable or appropriate, whereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts any residential zone or predominantly residential area, a side yard of at least thirty (30) feet shall be provided on that side adjacent to a residential zone/area. The side yard requirement adjacent to a residential zone may be modified if approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.

C. Rear Yard. The minimum rear yard setback for all structures in a CG zone shall be twenty (20) feet, except when the planning commission determines a zero to twenty (20) foot lot line is desirable or appropriate, thereupon the request will become a conditional use and shall require approval of the planning commission. Where the parcel abuts a residential zone or predominantly residential area, a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential zone/area may be modified if approved by the planning commission. (Amended 9/6/94; prior code § 9-11-5)

17.32.060 Height regulations.

No structure shall be erected to a height greater than one hundred (100) feet. Structures may be erected to a height greater than one hundred (100) feet upon review and specific approval by the planning commission. (Prior code § 9-11-6)

17.32.070 Off-street parking.

A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.

B. No parking space shall be provided that would allow a vehicle to back out directly into a public street. (Prior code § 9-11-7)

17.32.080 Development standards.

A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.

B. Landscaping. No less than fifteen (15) percent of the total lot area shall be landscaped. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.

C. Outdoor Storage and Merchandising. Storage and merchandising shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix. (Ord. 269-00 (part); prior code § 9-11-8)

Chapter 17.36 LIGHT INDUSTRIAL DISTRICT, L-I

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses.

17.36.030 Conditional uses.

17.36.040 Area and frontage regulations.

17.36.050 Yard regulations.

17.36.060 Height regulations.

17.36.070 Off-street parking.

17.36.080 Development standards.

17.36.010 Purpose.

The light industrial L-I district is established to provide areas in the city where manufacturing firms can engage in processing, assembling, manufacturing, warehousing and storage, and for incidental service facilities and public facilities where heavy industrial processes are not allowed to intrude, and where these uses can be separated from general commercial areas frequented by the public. The district is intended to encourage sound development by providing and protecting an environment for unobtrusive

uses and attractive, aesthetically pleasing areas. Representative uses in this district would be research parks, professional offices and light wholesale distribution facilities. (Prior code § 9-12-1)

17.36.020 Permitted uses.

The following uses are permitted in light industrial L-I districts:

- A. Appliance and small equipment repair, including shoe repair;
- B. Equipment sales, service and repair;
- C. Printing and publishing;
- D. Research and development;
- E. Offices, business and professional;
- F. Warehousing and storage facilities;
- G. Public and quasi-public institutions; and
- H. Retail commercial uses. (Prior code § 9-12-2)

17.36.030 Conditional uses.

The following uses are conditional in light L-I districts:

A. Light manufacturing, compounding, processing, milling or packaging of products, which must be accomplished entirely within an enclosed structure, including but not limited to the following:

- 1. Automotive parts and accessories, but not including tires and batteries,
- 2. Steel structural members and related products,
- 3. Lumber and wood products,
- 4. Apparel and other textile products,
- 5. Paper and allied products,
- 6. Rubber and plastic products, and
- 7. Electronic and electrical products;

B. Other uses and businesses which are considered similar to those listed in this section and Section 17.36.020, as determined by the planning commission. (Prior code § 9-12-3)

17.36.040 Area and frontage regulations.

There shall be no area or frontage requirement for an individual lot in a L-I district except that each shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets. (Prior code § 9-12-4)

17.36.050 Yard regulations.

The following regulations apply in a L-I light industrial district:

A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet.

B. Side Yard. The minimum side yard setback for all structures shall be ten (10) feet, except where the parcel abuts any residential district a side yard of at least thirty (30) feet shall be provided on that side adjacent to the residential zone. The side yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.

C. Rear Yard. The minimum rear yard setback for all structures shall be twenty (20) feet, except where the parcel abuts a residential district a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. (Prior code § 9-12-5)

17.36.060 Height regulations.

No structure shall be erected to a height greater than one hundred (100) feet. Structures may be erected to a height greater than one hundred (100) feet upon review and specific approval by the planning commission. (Prior code § 9-12-6)

17.36.070 Off-street parking.

A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.

B. No parking space shall be provided that would allow a vehicle to back out directly into a public street. (Prior code § 9-12-7)

17.36.080 Development standards.

A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.

B. Landscaping. No less than fifteen (15) percent of the total lot area being developed shall be landscaped. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.

C. Outdoor Storage and Merchandising. Storage and merchandising shall be accomplished entirely within an enclosed structure or as provided by the zoning matrix following this title. (Ord. 269-00 (part); prior code § 9-12-8)

Chapter 17.40 GENERAL INDUSTRIAL DISTRICT, I-G

Sections:

17.40.010 Purpose.

17.40.020 Permitted uses.

17.40.030 Conditional uses.

17.40.040 Area and frontage regulations.

17.40.050 Yard regulations.

17.40.060 Height regulations.

17.40.070 Off-street parking.

17.40.080 Development standards.

17.40.010 Purpose.

The general industrial district I-G is intended to provide for areas in appropriate locations where heavy industrial processes necessary to economic activity and prosperity may be conducted. The regulations of this district are intended to protect the environment of the district, adjacent areas, and of the community as a whole, as well as provide an area where these uses may be conducted without interference from the activities associated with other unrelated uses such as commercial traffic or residences. (Prior code § 9-13-1)

17.40.020 Permitted uses.

The following uses are permitted in general industrial I-G districts:

- A. Equipment sales, service and repair;
- B. Printing and publishing;
- C. Research and development;
- D. Offices, business and professional;
- E. Warehousing and storage facilities;
- F. Manufacturing, compounding, process-ing, milling or packaging of products, including but not limited to the following:
 - 1. Automotive parts and accessories, but not including tires and batteries,
 - 2. Steel structural members and related products;

3. Lumber and wood products,
4. Apparel and other textile products,
5. Paper and allied products,
6. Rubber and plastic products,
7. Electronic and electrical products; and

G. Public and quasi-public institutions. (Prior code § 9-13-2)

17.40.030 Conditional uses.

The following uses are conditional in general industrial I-G districts:

- A. Storage of inflammable bulk liquids;
- B. Outdoor storage of merchandise or equipment; and
- C. Other uses and businesses which are considered similar to those listed in this section and Section 17.40.020, as determined by the planning commission. (Prior code § 9-13-3)

17.40.040 Area and frontage regulations.

There shall be no area or frontage requirement for an individual lot in a I-G district except that each shall provide at least one hundred (100) feet of frontage on any side abutting an arterial or collector street. No frontage requirement shall apply to sides of lots abutting other streets. (Prior code § 9-13-4)

17.40.050 Yard regulations.

The following regulations apply in general industrial I-G districts:

- A. Front Yard. The minimum front yard setback for all structures shall be twenty-five (25) feet;
- B. Side Yard. The minimum side yard setback for all structures shall be ten (10) feet, except where the parcel abuts any residential district a side yard of at least thirty (30) feet shall be provided on that side adjacent to the residential zone. The side yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. On corner lots the side yard which faces the street shall not be less than twenty (20) feet for all structures.
- C. Rear Yard. The minimum rear yard setback for all structures shall be twenty (20) feet, except where the parcel abuts a residential district a rear yard of thirty (30) feet shall be provided. The rear yard requirement adjacent to a residential district may be modified if justified and approved by the planning commission. (Prior code § 9-13-5)

17.40.060 Height regulations.

No structure shall be erected to a height greater than one hundred (100) feet. (Prior code § 9-13-6)

17.40.070 Off-street parking.

A. Off-street access and parking shall be provided and designed as specified in Chapter 17.52.

B. No parking space shall be provided that would allow a vehicle to back out directly into a public street. (Prior code § 9-13-7)

17.40.080 Development standards.

A. Site Plan. A site plan for all phases of the proposed development shall be presented for review and approval, as provided in the land development code.

B. Landscaping. No minimum area is required; however, landscaping shall be considered and provided where deemed appropriate. A landscaping plan shall be approved by the planning commission as a part of the site plan review. Required side and rear yard areas may be used for driveways or parking; provided, that trees and shrubs of sufficient size and quantity to assure a visual screen from abutting residential properties are installed. All landscaping shall be adequately irrigated and maintained. The planning commission may require a performance bond or cash deposit, in an amount estimated by the planning commission as equivalent to the cost of the required landscaping, to assure installation of required landscaping within six months of approval date. A building permit shall not be granted until receipt of such bond or deposit.

C. Outdoor Storage and Merchandising. The storage of merchandise or equipment shall be accomplished entirely within an area enclosed by a wall or other visual screen. (Prior code § 9-13-8)

Chapter 17.44 SUPPLEMENTARY REGULATIONS

Sections:

17.44.010 Building permits--Site plan required.

17.44.020 Conditional use permit required for restricted lots.

17.44.030 Substandard lots at time of zoning code passage.

17.44.040 Nonconforming lots prohibited.

17.44.050 Lot standards and street frontage.

17.44.060 Every dwelling to be on a lot--Exceptions.

17.44.070 Lots and dwellings fronting on private streets--Special provisions.

17.44.080 Yard space for one building only.

17.44.090 Yards to be unobstructed--Exceptions.

17.44.100 Exceptions to height limitations.

17.44.110 Additional height allowed.

17.44.120 Minimum height of dwellings.

17.44.130 Maximum height and floor area of accessory buildings.

17.44.140 Area of accessory buildings.

17.44.150 Water and sewage requirements.

17.44.160 Clear view of intersecting streets.

17.44.170 Fences required when.

17.44.180 Maximum height of fences, walls and hedges.

17.44.190 Sale or lease of required space.

17.44.200 Location of gasoline pumps.

17.44.210 Utility extensions only to permitted buildings.

17.44.220 Utilities responsible for excavations.

17.44.230 Exactions.

17.44.240 Vested rights.

17.44.010 Building permits--Site plan required.

An application for a building or use permit shall be made to the city building inspector, and shall include a site plan and such other information as may be required by these ordinances.

Building permits shall be issued following submission of a site plan as set forth in Section 15.08.020. No building or structure shall be constructed, reconstructed, altered or moved and no land shall be used except after issuance of the building, use and occupancy permits required by these ordinances. (Prior code § 9-14-1)

17.44.020 Conditional use permit required for restricted lots.

No building permits shall be issued for construction of any building or structure to be located on a restricted lot unless a valid conditional use permit for the same has previously been issued pursuant to these ordinances. (Prior code § 9-14-2)

17.44.030 Substandard lots at time of zoning code passage.

Any lot legally held in separate ownership at the time of adoption of this zoning code, which lot is below the requirements for lot area or lot width for the district in which it is located and on which lot a dwelling would be permitted if the lot met the area requirements of the zoning code, may be used for a single-family dwelling if such a lot is located in an R-1 or an R-M district. The width of each of the side yards for such a dwelling may be reduced to a width which is not less than the same percentage of the lot width as the required side yard would be of the required lot width; provided, that in no case shall the smaller of the two yards be less than five feet, nor shall the total width of the two yards be less than thirteen (13) feet. (Prior code § 9-14-3)

17.44.040 Nonconforming lots prohibited.

After adoption of this zoning code, no lot having less than the minimum width and area required in the district in which it is located may be created, nor shall building permits be issued for construction on such nonconforming lots created subsequent to adoption of this zoning code. (Prior code § 9-14-4)

17.44.050 Lot standards and street frontage.

Except for planned unit developments, condominiums, and as otherwise provided in this title, every lot presently existing or hereafter created shall have such area, width and depth as is required by this title for the district in which such lot is located and shall have frontage upon a public street or upon a private street or right-of-way approved by the planning commission, before a building permit may be issued; provided, that no lot containing five acres or less shall be created which is more than three times as long as it is wide. (Prior code § 9-14-5)

17.44.060 Every dwelling to be on a lot--Exceptions.

Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth and frontage required by this title for the district in which the dwelling structure is located, except that farm or ranch dwellings, group dwellings, condominiums and other multistructure dwelling complexes under single ownership and management, which are permitted by this title and have approval from the planning commission, may occupy a single lot. (Prior code § 9-14-6)

17.44.070 Lots and dwellings fronting on private streets--Special provisions.

Lots with frontage only on private streets shall be allowed by conditional use permit procedure only, and shall be subject to all applicable requirements of this title. (Prior code § 9-14-7)

17.44.080 Yard space for one building only.

No required yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this title shall be considered as providing a yard or open space for any other building. Nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is established. (Prior code § 9-14-8)

17.44.090 Yards to be unobstructed--Exceptions.

Every part of a required yard shall be open to the sky, unobstructed except for permitted accessory buildings in a rear yard; ordinary architectural projections of sky-lights, sills, belt courses, cornices, chimneys, flues; and other ornamental features which project into a yard not more than two and one-half feet; open or lattice-enclosed fire escapes; and fireproof outside stairways and balconies opening upon fire towers projecting into a yard not more than five feet.

Architectural projections are those projections not intended for occupancy which extend beyond the face of a building or structure. (Prior code § 9-14-9)

17.44.100 Exceptions to height limitations.

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits herein prescribed, but no space above the

height limit shall be allowed for purposes of providing additional floor space, nor shall such increased height be in violation of any other ordinance or regulation of the city. (Prior code § 9-14-10)

17.44.110 Additional height allowed.

Public buildings and utility buildings, when authorized in a district, may be erected to a height greater than the district height limit by conditional use permit. (Prior code § 9-14-11)

17.44.120 Minimum height of dwellings.

No dwelling shall be erected to a height less than one story above grade, except in a planned unit development. (Prior code § 9-14-12)

17.44.130 Maximum height and floor area of accessory buildings.

No building which is accessory to a one family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or twenty (20) feet, whichever is lower, or be higher or contain greater square foot floor area than the principal building to which it is accessory. (Prior code § 9-14-13)

17.44.140 Area of accessory buildings.

No accessory building or group of accessory buildings in any residential district shall cover more than twenty-five (25) percent of the rear yard. (Prior code § 9-14-14) No structure or group of structures exempted from yard obstruction in any residential district shall cover more than fifty (50%) percent of the front yard or side yard.

17.44.150 Water and sewage requirements.

In all cases when a proposed building or proposed use will involve the use of sewerage facilities, and a connection to a public sewer system as defined by the Utah State Division of Health is not available; and in all cases when a connection to a public water system approved by the Utah State Division of Health is not available, the sewage disposal system and the domestic water supply shall comply with state and local board of health requirements. Applications for building permits shall be accompanied by a certificate of feasibility from said board or Division of Health. The application shall also evidence the physical presence, legal right to and availability of culinary water acceptable to the city, shall show the actual physical presence, legal right and availability of culinary water for the sole use of the proposed building or use. (Prior code § 9-14-15)

17.44.160 Clear view of intersecting streets.

In all districts which require a front yard, no obstruction to view in excess of two feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points forty (40) feet from the intersection of the street lines, except pedestal type identification signs and pumps at gasoline service stations, and a reasonable number of trees pruned so as to permit unobstructed vision to automobile drivers. (Prior code § 9-14-16)

17.44.170 Fences required when.

When approved by the city council, the planning commission may require the erection of fences as a prerequisite to approval of any project or to the granting of any building permit when, in the opinion of the commission, this is necessary to protect life and property. Such fences may be of a type and size

necessary, in the opinion of the planning commission, to accomplish the above-stated purpose. (Prior code § 9-14-17)

17.44.180 Maximum height of fences, walls and hedges.

A. Fences, walls and hedges may be erected or allowed to the permitted building height in the district when located within the buildable area already required.

B. Fences, walls and hedges may not exceed six feet in height within any required rear yard or interior side yard.

C. Notwithstanding any other provisions herein, no view-obscuring fence, wall or hedge exceeding two feet in height shall be erected or allowed closer to any street line than the required building setback line. Non view-obscuring fences or walls may be erected to a maximum height of four feet.

D. For purposes of this section, single shrub planting shall not constitute a hedge if the closest distance between the foliage of any two plants is and remains at least five feet.

E. When a fence, wall, or hedge is located along a property line separating two lots and there is a difference in the grade of the properties on the two sides of the property line, the fence, wall, or hedge may be erected or allowed to the maximum height permitted on either side of the property line. (Prior code § 9-14-18)

17.44.190 Sale or lease of required space.

No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for lot or building may be sold or leased away from such lot or building. (Prior code § 9-14-19)

17.44.200 Location of gasoline pumps.

Gasoline pumps shall be set back no less than eighteen (18) feet from any street line to which the pump island is vertical; twelve (12) feet from any street line to which the pump island is parallel, and ten (10) feet from any residential or agricultural district boundary line. If the pump island is set at an angle on the property, it shall be so located that the automobiles stopped for service will not extend over the property line. (Prior code § 9-14-20)

17.44.210 Utility extensions only to permitted buildings.

No sewer service line, no water service line, no electrical or gas utility line shall be installed by a public or private company to the building, structure, or use thus served which would be in violation of this title. (Prior code § 9-14-21)

17.44.220 Utilities responsible for excavations.

It is the intent of this title to hold franchised utilities responsible for all excavations, backfilling and paving. To this end all such work, whether done by a private or public entity, shall be commenced only pursuant to the issuance of an excavation permit as set forth in these ordinances. Curbs and fills shall be constructed according to standards established by the city, and approval of the same shall be evidenced by a release of responsibility signed by the city engineer after approval by the city council. (Prior code § 9-14-22)

17.44.230 Exactions.

The city may impose an exaction or exactions on proposed land use development if:

- A. an essential nexus exists between a legitimate governmental interest and each exaction; and
- B. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development.

17.44.240 Vested rights.

A.

(1) An applicant is entitled to approval of a land use application if the application conforms to the requirements of the West Bountiful zoning map and applicable land use ordinance in effect when a complete application is submitted and all fees have been paid, unless:

- (a) the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
- (b) in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

(2) The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

- (a) 180 days have passed since the proceedings were initiated; and
- (b) the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

(3) An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

(4) The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

(5) The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:

- (a) in the land use permit or in documents on which the land use permit is based; or
- (b) in the West Bountiful ordinances.

(6) The city will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

- (a) in the building permit or in documents on which the building permit is based; or
- (b) in the West Bountiful ordinances.

B. The city is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

Chapter 17.48 SIGNS

Sections:

17.48.010 Short title.

17.48.020 Purpose.

17.48.030 Scope.

17.48.040 General provisions.

17.48.050 Permits required.

17.48.060 Signs not requiring permits.

17.48.070 Prohibited signs.

17.48.080 Signs permitted in all zones.

17.48.090 Signs permitted in residential zones.

17.48.100 Signs permitted in commercial and industrial zones.

17.48.110 Nonconforming signs.

17.48.010 Short title.

The regulations contained in this chapter shall be known and may be cited as sign regulations of the land development code of the city. (Prior code § 9-15-1)

17.48.020 Purpose.

The purpose of the sign regulations set forth in this chapter shall be to minimize potential hazards to motorists and pedestrians; to encourage signs which, by their design, are integrated with and harmonious to the buildings and sites which they occupy; to encourage sign legibility through the elimination of excessive and confusing sign displays; to reduce driver inattention; to preserve and improve the appearance of the city as a place in which to live and to work and as an attraction to non-residents who come to visit or trade; to safeguard and enhance property values; to protect public and private investment in buildings and open spaces; to supplement and be a part of the regulations imposed and the plan set forth under the zoning ordinances of the city; and to promote the public health, safety and general welfare. (Prior code § 9-15-2)

17.48.030 Scope.

This chapter shall not relate to building design. Nor shall this chapter regulate official traffic or government signs; the copy and message of signs; signs not intended to be viewed from a public right-of-way; window displays; product dispensers and point of purchase displays; scoreboards on athletic fields; flags of any nation, government or noncommercial organization; gravestones; barber poles;

religious symbols; commemorative plaques, the display of street numbers; or any display or construction not defined herein as a sign. (Prior code § 9-15-3)

17.48.040 General provisions.

A. It is unlawful for any person to erect, place or maintain a sign in the city of West Bountiful except in accordance with the provisions of this chapter.

B. All signs erected hereafter in the city shall comply with the current standards of the National Electrical Code, Uniform Building Code, and Uniform Sign Code.

C. All signs shall be properly maintained in good condition. Exposed surfaces shall be clean and painted if paint is required. Defective parts shall be replaced. The zoning administrator shall have the right to order the repair or removal of any sign which is defective, damaged, or substantially deteriorated, as defined in the Uniform Building Code and Uniform Sign Code.

17.48.050 Permits required.

Unless otherwise provided by this title, all signs shall require permits and payment of fees as specified periodically by resolution of the city council. Application for permits shall be made to the zoning administrator upon a form provided by the administrator. No permit is required for maintenance of a sign or for a change of copy on painted, printed or changeable copy signs. (Prior code § 9-15-5)

17.48.060 Signs not requiring permits.

The following types of signs are exempted from permit requirements but must be in conformance with all other requirements of this chapter:

- A. Construction signs of sixteen (16) square feet or less;
- B. Directional/information signs of nine square feet or less;
- C. Holiday or special events decorations;
- D. Nameplates of two square feet or less;
- E. Political signs;
- F. Public signs or notices, or any sign relating to an emergency;
- G. Real estate signs;
- H. Window signs; and
- I. Incidental signs. (Prior code § 9-15-6)

Section 17.48.070 Prohibited signs.

The purpose of prohibiting signs listed in this section is to protect the safety and welfare of the people of the city, to minimize traffic hazards and distraction, and to promote beneficial community appearance. Therefore, notwithstanding any provision of this Chapter to the contrary, the following signs shall not be permitted, erected, or maintained within the city:

A. Signs with visible moving, revolving, or rotating parts or visible mechanical movement of any description.

B. Signs with optical illusion of movement by means of a design which presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.

C. Signs with lights or illumination, which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsations.

D. Strings of light bulbs used in connection with commercial premises for commercial purposes, other than traditional holiday decorations during the holiday season.

E. Signs which:

1. Emit, or are designed to emit, by any means, a sound intended to attract attention.

2. Involve the use of live or preserved animals.

3. In their design or operation create unsafe glare for motor vehicle operators.

F. Any sign (together with its supporting structure) now or hereafter existing which, seven (7) days or more after the premises on which the sign is located have been vacated, advertises an activity, use, business, product or service no longer produced or conducted upon such premises. If the sign is covered or the identifying symbols or letters are removed, the planning commission, upon good cause shown, may grant an extension of time to remove the sign. This provision shall not apply to permanent signs accessory to businesses that are open only on a seasonal basis, provided a clear intent to continue operation of the business is shown.

G. Any sign which is installed or erected in or projects into or over any public right-of-way, except in the case of a sign for which a permit has been issued in conformance with the requirements of this Chapter.

H. Signs not permanently affixed or attached to the ground or to any structure, except for real estate signs attached to posts driven into the ground and temporary signs and barriers otherwise permitted under this Chapter. Such prohibited non-permanent signs include snipe signs or signs attached to trees, telephone poles, public benches, streetlights; or signs placed on any public property or public right-of-way.

I. Any sign or sign structure which constitutes a hazard to safety or health by reason of inadequate installation or maintenance, or dilapidation.

J. Any sign or sign structure which:

1. In any way interferes with, obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device or any other official sign;

2. Makes use of the words "STOP," "DANGER," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead, or confuse traffic;

3. Obstructs free and clear vision at the intersection of any streets;

4. In its design or operation creates an unsafe distraction for motor vehicle operators;
or,

5. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway, alley or other thoroughfare.

K. Any sign which obstructs free ingress to or egress from a required door, window, fire escape or other required exit way.

L. Any sign with a change panel or removable text or panel feature, except as specifically allowed under the provisions of this Chapter.

M. Any sign not pertinent and clearly incidental to the permitted use on the property where located.

N. Portable signs not permanently affixed to any structure on the site or permanently mounted to the ground, or otherwise located on one or more wheels.

O. Signs mounted on, attached to or painted on motor vehicles, trailers or boats when (1) used as additional advertising signs on or near business premises, (2) not used in conducting a business or service, or (3) used in a way not associated with normal business operations or vehicle parking procedures.

P. Signs for the purpose of general outdoor advertising of products or services, or signs advertising a use, service or attraction not located in the city, except as specifically permitted under this Chapter.

Q. Flags, banners, wind signs or other devices designed or allowed to wave, flap or rotate with the wind except for flags, pennants, and insignias that are expressly permitted under this Chapter. Company flags or banners on flag-poles shall be permitted as part of the allowable sign area as defined in this Chapter. Flags and banners shall be allowed on a temporary basis as part of a "grand opening" or designated "special event or holiday" as permitted in this Chapter.

R. Sign banners of any size that are not associated with an approved "grand opening," or "special event or holiday," or are not otherwise permitted in this Chapter.

S. Decorative banners, except as otherwise specifically allowed in this Chapter.

T. Inflatable objects, except those specifically allowed in this Chapter.

U. Roof-mounted signs or signs which project above the highest point of the roof line or fascia of the building.

V. Signs of an advertising nature posted or glued directly on an exterior wall, fence or roof or affixed directly on such wall, fence or roof by any means of similar adhesive substance. No paper, cloth, vinyl or other non-rigid materials sign, except for flags as provided for elsewhere in this Chapter, shall be tacked directly on any exterior wall, fence or roof, except those allowed as temporary signs as defined in this Chapter.

W. Off-premise advertising signs.

X. Billboards; except for those billboards existing prior to the adoption of this Chapter, as may be allowed under Utah State law.

Y. Graffiti.

Z. Handbills posted on public places or objects.

AA. Any sign that appeals to or advertises a sexually-oriented business.

BB. Commercial signs in residential and agricultural zones except where a conditional use permit has been granted pursuant to the provisions of this Title.

CC. Any sign not in compliance with the provisions of this Chapter and/or any applicable provision of this Title. (Prior code § 9-15-7)

17.48.080 Signs permitted in all zones.

The following signs are allowed in all zones:

- A. All signs not requiring permits;
- B. One non-illuminated sign for each street frontage of a construction project, not to exceed forty-eight (48) square feet in sign area in residential zones or sixty-four (64) square feet in sign area in all other zones. Such signs may be erected sixty (60) days prior to beginning of construction and shall be removed within thirty (30) days following the completion of construction;
- C. One non-illuminated sign per lot of premises not to exceed twelve (12) square feet in area. If real estate oriented, such signs must be removed fifteen (15) days following the sale, rental, or lease of real estate involved;
- D. One non-illuminated attached building nameplate per occupancy, not to exceed two square feet in area;
- E. Non-illuminated campaign signs not to exceed sixteen (16) square feet per lot. Such signs shall not be erected more than sixty (60) days prior to an election or referendum concerned and shall be removed ten (10) days following such election or referendum. Campaign signs may be placed on private property only, not on any public property or within any street or public right-of-way. Other non-illuminated political signs not to exceed sixteen (16) square feet per lot and shall not be erected and placed for more than sixty (60) consecutive days at any one time on any lot.
- F. Direction/information signs per lot as required; and
- G. Temporary special events signs and decorations, to be erected for a period not to exceed forty-five (45) days prior to a special event or holiday, and shall be removed five days following the event or holiday. For grand openings, such signs may be used for no more than thirty (30) days. (Ord. 264-00 (part): prior code § 9-15-8)
- H. Temporary signs and banners supporting non-profit sports organizations, which organizations are granted an exclusive seasonal permit for the placement of signs, may be placed at City owned recreational areas and shall conform to the following requirements:
 - 1. Temporary signs and banners shall be no more than 24 square feet in area.
 - 2. Temporary signs and banners shall be attached to existing fencing or structure. No independent form of anchorage shall be allowed.
 - 3. Temporary signs and banners shall not be connected electrically, illuminated, flash, blink, spin, rotate, or block visibility of vehicles entering streets or parking areas.
 - 4. Temporary signs and banners shall be anchored or attached to prevent detachment by the wind but shall also be designed with wind-pressure relief holes to prevent damage to the supporting fence.

5. A permit for temporary signs and banners shall include (a) a diagram of the sign including legends, lettering and artwork, (b) the location of the sign or banner, and (c) the location of adjacent signs or banners. West Bountiful City reserves the right to deny any sign permit they deem to be inappropriate or offensive to community standards.

6. Temporary signs or banners shall be allowed for a period not to exceed ninety (90) consecutive days within a one-year period.

7. The permit fee for each sign or banner shall be \$20.00 per sign per display season.

8. Temporary signs and banners installed without a permit will be immediately removed and a penalty will be charged as defined in Chapter 1.16.010 of the Municipal Code. (Ord. 275-02)

17.48.090 Signs permitted in residential zones.

Signs are allowed as follows in residential zones A-1, R-1-22 and R-1-10:

A. One subdivision identification sign per street frontage or entrance, not to exceed forty-eight (48) square feet in area in each location; and

B. One non-illuminated identification sign per entrance to apartment or condominium complex, not to exceed thirty-six (36) square feet in area. (Prior code § 9-15-9)

17.48.100 Signs permitted in commercial and industrial zones.

Signs are allowed as follows in commercial and industrial zones C-N, C-G, L-I and I-G:

A. One free-standing sign for each street which the property has frontage on, not to exceed one square foot in area for each lineal foot of property frontage, up to a maximum area of one hundred twenty (120) square feet. Such signs shall not exceed a height of twenty-five (25) feet and must be set back at least two feet from property lines. Free-standing signs shall maintain a minimum clearance of ten (10) feet over any pedestrian use and fourteen (14) feet over any vehicular way;

B. Wall signs or electric awning signs which in total combined area do not exceed fifteen (15) percent of aggregate area of building elevation on which the signs are installed;

C. One roof sign may be allowed when no other sign types can provide effective identification. The area of the roof sign shall be included as part of the area allowed for wall signs. Roof signs shall be constructed so as to conceal all structures and fastenings. The height of the roof sign shall not exceed twenty (20) percent of the total height of the building to which it is attached;

D. On properties consisting of more than three acres and on which are located five or more businesses, a business directory sign may be used in place of a freestanding sign as described in Section 17.48.110(A). A business directory sign shall have a maximum sign area of two hundred fifty (250) square feet, and a maximum height of thirty-five (35) feet. Such signs must be set back at least two feet from property lines;

E. For properties located within one hundred fifty (150) feet of the I-15 freeway right-of-way, one freeway-oriented sign may be permitted. The principle purpose of such signs must be to address freeway traffic. A freeway-oriented sign may have a maximum sign area of two hundred

fifty (250) square feet and a maximum height of sixty (60) feet. The edge of such signs must be set back at least two feet from property lines;

F. Portable and temporary signs may be used for a period not to exceed thirty (30) days in a calendar year. A permit from the city must be obtained before any such use, and any such sign must be installed in accordance with applicable building and electrical codes; and

G. Incidental signs not to exceed four square feet in aggregate area per occupancy. (Prior code § 9-15-10)

17.48.110 Nonconforming signs.

Nonconforming signs costing more than two hundred dollars (\$200.00) to replace and legally existing at the time of the adoption of this chapter shall be exempt from compliance with the provisions of this chapter for a period of five years, after which time such signs shall be made to conform to such provisions and to any other sign provisions adopted by the city council subsequent to adoption of this chapter or shall be removed; nonconforming signs costing less than two hundred dollars (\$200.00) and legally existing at the time of adoption of this chapter shall be made to conform to such provisions within ninety (90) days of such notification. (Prior code § 9-15-11)

(17.48 Amended September 1st, 2009; Ord. 314-09)

Chapter 17.52 OFF STREET PARKING REQUIREMENTS

Sections:

17.52.010 Off-street parking required.

17.52.020 Size.

17.52.030 Access to individual parking space.

17.52.040 Number of parking spaces required.

17.52.050 Access requirements.

17.52.060 Maintenance of parking lots.

17.52.070 Location of off-street parking.

17.52.010 Off-street parking required.

At the time any building or structure is erected or enlarged or increased in capacity or any use is established, off-street parking spaces shall be provided for automobiles in accordance with the following requirements, or as otherwise required by conditional use permit. (Prior code § 9-17-1)

17.52.020 Size.

The dimensions of each off-street parking space, exclusive of access drives or aisles, shall be at least ten (10) feet by twenty (20) feet for diagonal and ninety (90) degree spaces, and ten (10) feet by twenty-two

(22) feet for parallel spaces. However, in parking lots of not less than twenty (20) parking spaces, upon site plan approval by the planning commission, up to forty (40) percent of such spaces may be seven and one-half feet by fifteen (15) feet if marked and used for compact automobiles only. (Prior code § 9-17-2)

17.52.030 Access to individual parking space.

Except for single-family and two-family dwellings, direct access to each parking space shall be from a private driveway and not from a public street. All parking spaces shall have independent access not blocked by another parking space or other obstacle. (Prior code § 9-17-3)

17.52.040 Number of parking spaces required.

An adequate number of parking spaces shall be provided for all uses as follows:

A. Business or professional offices: one parking space for each two hundred (200) square feet of floor area.

B. Churches with fixed seating: one parking space for each 3.5 fixed seats, or one parking space for each seven feet of linear pew, whichever is greater.

C. Churches without fixed seats, sports arenas, auditoriums, theaters, assembly halls, meeting rooms: one parking space for each three seats of maximum seating capacity.

D. Dwellings: two parking spaces for each dwelling unit.

E. Furniture and appliance stores: one parking space for each six hundred (600) square feet of floor area.

F. Hospitals: two parking spaces for each bed.

G. Hotels and motels: one space for each living or sleeping unit, plus parking space for all accessory uses as herein specified.

H. Nursing homes: four parking spaces, plus one space for each five beds.

I. Restaurants, taverns, private clubs, and all other similar dining and/or drinking establishments: one parking space for each 3.5 seats or one parking space for each one hundred (100) square feet of floor area (excluding kitchen, storage, etc.), whichever is greater.

J. Retail stores (except as provided in subsection E of this section): one parking space for each one hundred (100) square feet of retail floor space.

K. Wholesale establishments, warehouses, manufacturing establishments and all industrial uses: as determined by conditional use permit or by planned unit development requirements if applicable, or by the planning commission, but in no case fewer than one space for each employee projected for the highest employment shift.

L. Shopping center or other groups of uses not listed above: one parking space for each one hundred fifty (150) square feet of total floor space, or as determined by conditional use permit.

M. All other uses not listed above: as determined by conditional use permit based on the nearest comparable use standards. (Prior code § 9-17-4)

17.52.050 Access requirements.

Adequate ingress and egress to and from all uses shall be provided as follows:

A. Residential Lots. For each R-1-10, R-1-22, and A-1 residential lot, not more than two drive approaches which shall be a minimum of twelve (12) feet each and a maximum of thirty-two (32) feet wide at the property line, with a separation island of a minimum width of twelve (12) feet, maximum combined drive approach width of thirty-two (32) feet. The drive approach flare entrance shall be no closer than four feet (4') to the abutting property line, or as approved by the City Engineer.

B. Other Than Residential Lots. Access shall be provided to meet the following requirements:

1. Not more than two driveways shall be used for each one hundred (100) feet of frontage on any street;
2. No two of said driveways shall be closer to each other than twelve (12) feet, and no driveway shall be closer to a side property line than three feet;
3. Each driveway shall be not more than thirty-five (35) feet wide, measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way;
4. No driveway shall be closer than ten (10) feet to the point of intersection of two property lines at any corner as measured along the property line, and no driveway shall extend across such extended property line; and
5. On a street where there are no curbs or gutters, all driveways shall be well marked and protection provided the entire length of the frontage exclusive of the driveways as per approved plans. (Prior code § 9-17-5)

17.52.060 Maintenance of parking lots.

Every parcel of land used as a public or private parking lot shall be developed and maintained in accordance with the following requirements:

A. Surfacing. Each off-street parking lot shall be surfaced with an asphaltic or Portland cement or other binder pavement and permanently maintained so as to provide a dustless surface. The parking area shall be so graded as to dispose of all surface water. If such water is to be carried to adjacent streets, it shall be piped under sidewalks.

B. Screening. The sides and rear of any off-street parking lot which adjoins an area which is to remain primarily residential shall be screened from such area by a masonry wall or solid visual barrier fence not less than four nor more than six feet in height.

C. Landscaping. Each parking lot shall be adequately landscaped to comply with a plan approved by the planning commission and such landscaping shall be permanently maintained.

D. Lighting. Lighting used to illuminate any parking lot shall be arranged to reflect the light away from adjoining residential premises and from street traffic. (Prior code § 9-17-6)

17.52.070 Location of off-street parking.

Off-street parking shall not be allowed in required front yard setbacks except by conditional use permit and in areas where the character of the street and general landscaping will not be adversely affected. (Prior code § 9-17-7)

Chapter 17.56 NONCONFORMING BUILDINGS AND USES

Sections:

17.56.010 Maintenance permitted.

17.56.020 Repairs and alterations.

17.56.030 Additions, enlargements and moving.

17.56.040 Alteration when parking insufficient.

17.56.050 Restoration of damaged buildings.

17.56.060 Continuance of nonconforming use--Limitations.

17.56.070 Effect of vacating a nonconforming building or ceasing a nonconforming use.

17.56.080 Continuation of pre-existing nonconforming use permitted.

17.56.090 Effect of change of use.

17.56.100 Expansion permitted--Limitations.

17.56.110 Nonconforming mobilehome units.

17.56.010 Maintenance permitted.

A nonconforming building may be maintained. (Prior code § 9-16-1)

17.56.020 Repairs and alterations.

Repairs and structural alterations may be made to a nonconforming building or to a building housing a nonconforming use. (Prior code § 9-16-2)

17.56.030 Additions, enlargements and moving.

A. A building or structure occupied by a nonconforming use and a building or structure nonconforming as to height, area or yard requirements shall not be added to or enlarged in any manner, or moved to another location on the lot except as provided by subsection (B)(1) of this section.

B. A building or structure occupied by a nonconforming use or a building or structure nonconforming as to height, area or yard regulations may be added to or enlarged or moved to a new location on the lot upon a permit authorized by the planning commission, which may issue, provided that the commission, after public hearing, shall find:

1. That the addition or enlargement of or moving of the building will be in harmony with one or more of the purposes of this title;
2. That the proposed change does not impose any unreasonable burden upon the lands located in the vicinity of the non-conforming use or structure nor does it violate the development policies adopted in the master plan of the city. (Prior code § 9-16-3)

17.56.040 Alteration when parking insufficient.

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged, provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement. (Prior code § 9-16-4)

17.56.050 Restoration of damaged buildings.

A nonconforming building or structure or a building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake or other calamity or act of God, or the public enemy, may be restored. The occupancy or use of such building, structure or part thereof, which existed at the time of such damage or destruction may be continued or resumed; provided, that such restoration is started within a period of one year and is diligently prosecuted to completion in conformance with the ordinances of the city within two years. (Prior code § 9-16-5)

17.56.060 Continuance of nonconforming use--Limitations.

A building used for a lawful and allowable use prior to the effective date of this zoning code, but which, after the effective date of said code, is nonconforming, may continue to be utilized for such nonconforming use unless the building is vacated or the use ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. Land used for a lawful and allowable use prior to the effective date of this zoning code, but which, after the effective date of said code, is nonconforming may continue to be so used provided that such nonconforming use is not ceased for a continuous period in excess of three hundred sixty-five (365) calendar days. No such non-conforming use of land may in any way be expanded or extended, either in the same or on adjoining property, except as provided under Section 17.56.030. (Prior code § 9-16-6)

17.56.070 Effect of vacating a nonconforming building or ceasing a nonconforming use.

A vacant building may be occupied by a use for which the building or structure was used, designed or intended, if so occupied within a period of three hundred sixty-five (365) calendar days after the use became non-conforming.

However, a building or portion thereof occupied by a nonconforming use which is, or hereafter becomes, vacant and remains unoccupied by said nonconforming use for a continuous period in excess of three hundred sixty-five (365) calendar days, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

Should a nonconforming use of land be ceased for a period in excess of three hundred sixtyfive (365) calendar days, any future use of such land shall be in conformity with the provisions of this title, and the previously authorized nonconforming use is expressly prohibited. (Prior code § 9-16-7)

17.56.080 Continuation of pre-existing nonconforming use permitted.

The occupancy of a building or use of land by a nonconforming use, existing on the effective date of the Revised Ordinances of West Bountiful 1965, and constituting a non-conforming use under the provisions of this title may be continued. (Prior code § 9-16-8)

17.56.090 Effect of change of use.

The nonconforming use of a building or structure may not be changed except to a conforming use; but when such change is made, the use shall not thereafter be changed back to a nonconforming use. (Prior code § 9-16-9)

17.56.100 Expansion permitted--Limitations.

A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming. (Prior code § 9-16-10)

17.56.110 Nonconforming mobilehome units.

If a nonconforming mobilehome is removed from the premises, it cannot thereafter be returned, except that:

A. If such removal was upon order of the building inspector for correction of deficiencies or by decision of the owner for the purpose of correcting deficiencies within sixty (60) days; or

B. A new mobilehome may be moved on the premises if:

1. Accomplished within sixty (60) days;
2. The restored or new mobilehome is owned by the same owner as the mobilehome removed; and
3. The mobilehome is occupied for a continuous period of at least six months by the same occupant(s) as the mobilehome removed. (Prior code § 9-16-11)

Chapter 17.60 CONDITIONAL USES

Sections:

17.60.010 Purpose and intent.

17.60.020 Conditional use permit--When required.

17.60.030 Affirmative findings for issuance of permit.

17.60.040 Determination to issue conditional use permit.

17.60.050 General inspection.

17.60.060 General and performance standards for conditional uses and conditional use developments.

17.60.070 Expiration of permit.

17.60.080 Revocation of permit.

17.60.010 Purpose and intent.

The purpose and intent of this chapter is to promote the health, safety, convenience and general welfare of the inhabitants of the city. This chapter accomplishes this by providing sufficient flexibility to allow in certain areas compatible integration of uses which are related to the permitted uses of the district or are of a temporary nature only, but which may be suitable only in certain locations and/or under certain development conditions. (Prior code § 9-18-1)

17.60.020 Conditional use permit--When required.

A conditional use permit shall be required for all uses classified as conditional in this title. (Prior code § 9-18-2)

17.60.030 Affirmative findings for issuance of permit.

A. Conditional uses may be approved by the planning commission in districts permitting such uses in this title. Before approval of such a use is granted, a report to the city council by the planning commission shall find that the proposed development will meet the requirements of this title.

B. Public Hearings. A public hearing may be held on the conditional use application when deemed by the planning commission to be in the public interest. However, in the following instances the holding of a public hearing shall be mandatory:

1. The planning commission determines that existing streets and thoroughfares are not suitable and adequate to carry anticipated traffic, and increased densities resulting from the proposed use may generate traffic in such amounts as to overload the street network outside the district;
2. The planning commission determines that increases in miscellaneous traffic, light, odor or environmental pollution generated by the proposed use may significantly change the intended characteristics of the district as outlined in this title;
3. The planning commission determines that the architectural design of the proposed use varies significantly from the architectural characteristics of the district, as outlined in this title, in which such use is proposed.

C. Exceptions.

1. The planning commission may authorize exceptions to any of the requirements and regulations related to conditional uses. Application for any exception shall be made by a verified petition of the applicant. The petition shall state fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the conditional use permit application. In order for the land referred to in the petition to come within the provisions of this section, the planning commission shall find all of the following facts with respect thereto:

- a. That the land is of such shape or size, or is affected by such physical conditions, or is subject to such title limitations of record that it is impossible or impractical for the developer to comply with all of the regulations of this title;

b. That the exception is necessary for the preservation and enjoyment of a substantial property right by the petitioner; and

c. That the granting of the extension will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

2. Each proposed exception shall be referred to the officers or agencies involved, and such officers or departments shall transmit to the planning commission their recommendations, which recommendations shall be reviewed prior to the granting of any exceptions.

3. The planning commission shall hold a public hearing on the proposed exception, after which it may approve the conditional use permit application with the exceptions and conditions it deems necessary, or it may disapprove such conditional use permit application. Any such approval or disapproval shall be accompanied by written findings of fact and conclusions. (Prior code § 9-18-3)

17.60.040 Determination to issue conditional use permit.

A. A conditional use permit shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards.

B. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

C. Standards applicable to conditional uses include all the requirements of this chapter, and consideration of the following:

1. The proposed use at the particular location is necessary or desirable to provide a service or facility that will contribute to the general well-being of the neighborhood and the community;

2. The proposed use, under the circumstances of the particular case, will not be detrimental to the health, safety, or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity;

3. The proposed use and/or accompanying improvements shall not inordinately impact schools, utilities and streets, and shall stress the following criteria; Appropriate buffering of uses and buildings, proper parking and traffic circulation, the use of building materials and landscaping which are in harmony with the area, and compatibility with adjoining uses.

4. The proposed use will comply with the regulations and conditions specified in the zoning ordinance for such use;

5. The proposed use will conform to the intent of the city general plan; and

6. The conditions imposed incident to issuance of the conditional use permit will be complied with.

7. The applicant, at his or her cost, shall provide any report and/or study relating to utilities, traffic impact, school impact, soil and water impact, existing conditions, line-of-sight and building massing, and any other information requested by the City in order to render a proper decision.

17.60.050 General inspection.

Following the issuance of a conditional use permit by the planning commission, the building inspector shall inspect such use to insure that development is undertaken and completed in compliance with the conditional use permit. (Prior code § 9-18-5)

17.60.060 General and performance standards for conditional uses and conditional use developments.

Applicants for conditional use permits shall meet all specific requirements of the city land development and zoning codes, including those set forth in the subdivision ordinance and the city's development standards and specifications, as they apply to the zone in which the use for which the permit is requested shall be developed. The planning commission may establish additional requirements related to the health, safety and welfare of area residents. (Prior code § 9-18-6)

17.60.070 Expiration of permit.

A. Every conditional use permit shall expire and become null and void if the work authorized by the permit has not been commenced within one hundred eighty (180) days, or is not completed within one year from date of issuance. However, the zoning administrator may, if the permit holder presents satisfactory evidence that unusual difficulties have prevented work being started or completed within the specified time limits, grant a reasonable extension of time if written application is made before the expiration date of the permit.

B. A conditional use permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for two years, whichever period of time is shorter. (Prior code § 9-18-7)

17.60.080 Revocation of permit.

A. In the event any person holding a conditional use permit pursuant to this chapter violates the terms of the permit, or conducts or carries on site development in such a manner as to materially adversely affect the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, a temporary suspension may be made effective immediately upon notification by the zoning administrator.

B. No conditional use permit shall be permanently revoked or suspended until a hearing is held by the planning commission. The permittee shall be notified in writing of such hearing and the grounds for its convening.

Such notices shall be served by registered mail or personal service on the permittee at least five days prior to the date set for the hearing. At any such hearing, the permittee shall be given an opportunity to be heard, and he may call witnesses and present evidence on his behalf. Upon conclusion of the hearing, the planning commission shall determine whether the permit shall be suspended or revoked. In the event the determination is to suspend or revoke the permit, the permittee may appeal the decision to the city council in the manner provided in Section 16.24.020. (Prior code § 9-18-8)

(17.60 Amended March 4th, 2008; Ord. 300-08)

Chapter 17.64 SEXUALLY ORIENTED BUSINESSES

Sections:

17.64.010 Purpose.

17.64.020 Location of businesses--Restrictions.

17.64.030 Effect on nonconforming businesses.

17.64.040 Signs.

17.64.050 Definitions.

17.64.010 Purpose.

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the city, regulate the signage of such businesses, control the adverse effects of such signage, and prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the United States and Utah Constitutions. (Ord. 246-97 (part): prior code § 5-7-1)

17.64.020 Location of businesses--Restrictions.

A. Outcall services shall be permitted in areas zoned L-I (light industrial).

B. Sexually-oriented businesses, except outcall services, shall only be permitted in areas zoned L-I (light industrial) subject to the following additional restrictions:

No sexually-oriented business shall be located:

1. Within one thousand (1,000) feet of any school, public park, library or religious institution;
2. Within six hundred (600) feet of any residential use or any agricultural or residential zoning boundary;
3. Within six hundred (600) feet of any other sexually-oriented business, except outcall services;
4. Within three hundred fifty (350) feet of any gateway corridor. The distance shall be measured from the right-of-way boundary.

C. Distance requirements between structures and uses specified in this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the property boundaries of the school, public park, religious or cultural activity, residential use, or other sexually-oriented business, or from the right-of-way line of a gateway to the structure of the sexually-oriented business.

D. Distance requirements from zoning districts for this section shall be measured in a straight line, without regard to intervening structures or zoning districts, from the closest zoning boundary of a residential or agricultural district to the sexually-oriented business structure. (Ord. 246-97 (part): prior code § 5-7-2)

17.64.030 Effect on nonconforming businesses.

All existing legal, nonconforming sexually-oriented businesses, as of the effective date of the ordinance codified in this chapter, or any amendment hereto, shall comply with the provisions of this chapter within nine months from the date said ordinance is enacted. (Ord. 246-97 (part): prior code § 5-7-3)

17.64.040 Signs.

Notwithstanding anything contrary contained in Chapter 17.48, the more restrictive requirements for signs shall prevail. Signs for sexually-oriented businesses shall be limited as follows:

- A. No more than one exterior sign shall be allowed.
- B. No sign shall be allowed to exceed eighteen (18) square feet.
- C. No animation shall be permitted on or around any sign or on the exterior walls or roof of such premises.
- D. No descriptive art or designs depicting any activity related to or inferring the nature of the business shall be allowed on any sign. Signs shall contain alphanumeric copy only.
- E. Only flat wall signs and/or awning signs shall be permitted.
- F. Painted wall advertising shall not be allowed.
- G. Other than the signs specifically allowed by this chapter, the sexually-oriented business shall not attach, construct or allow to be attached or constructed any temporary sign, banner, light or other device designed to draw attention to the business location. (Ord. 246-97 (part): prior code § 5-7-4)

17.64.050 Definitions.

Terms involving sexually-oriented businesses which are not defined in this title shall have the meanings set forth in Section 5.20.040. (Ord. 246-97 (part): prior code § 5-7-5)

Chapter 17.68 Planned Unit Development (PUD)

17.68.010 Purpose and Intent.

17.68.020 Development Description.

17.68.030 Approval.

17.68.040 Base Density.

17.68.050 Area.

17.68.060 Uses.

17.68.070 Ownership.

17.68.080 Desirability.

17.68.090 Design.

17.68.100 Minimum Standards.

17.68.110 Density Bonus Calculation.

17.68.120 Amenity Density Bonus.

17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.

17.68.140 Phasing.

17.68.150 Landscaping.

17.68.160 Guarantees and Covenants.

17.68.170 Considerations.

17.68.180 Approval.

17.68.190 Limitations on application.

17.68.010 Purpose and Intent.

A Planned Unit Development ("PUD") is a residential development planned as a whole, single complex. It incorporates a definite development theme which includes the elements of usable open spaces, diversity of lot design or residential use, amenities, a well planned circulation system, and attractive entrances as part of the design.

Planned Unit Developments should be designed to encourage and provide means for effecting desirable and quality development which permit greater flexibility and design freedom than permitted under the basic zoning regulations, and to accomplish a well-balanced, aesthetically satisfying city and economically desirable development of building sites within the development. These developments are intended to permit and encourage diversification, variation and imagination in the relationship of uses, structures, open spaces and heights of structures for developments conceived and implemented as comprehensive and cohesive unified projects. They are further intended to encourage more rational and economic development with relationship to public services, and to encourage and facilitate the preservation of open lands.

West Bountiful City supports development that is creative and serves a purpose beyond the division of land. Planned Unit Developments should be of benefit to the City as well as the residents of the development. The purpose of a Planned Unit Development is not to increase density, but to increase the quality of life in the community. In order to increase the quality of life in West Bountiful City, the City is willing to allow clustering or additional density of dwelling units in exchange for appropriate amenities. Regulations are established to permit latitude in the development of the building site if such development is found to be in accordance with the purpose, spirit and intent of this Chapter and is

found not to be hazardous, harmful, offensive or otherwise adverse to the environment, property values, the character of the neighborhood, or the health, safety and welfare of the community.

The owner, or authorized agent, of a proposed Planned Unit Development shall apply for and secure approval of the proposed PUD in accordance with this Chapter before any contract is made for the sale of any part of the PUD, and before any permit for the erection of a structure in the PUD is granted,. The requirements of this PUD Chapter are intended to be in addition to the other requirements of this Title, not to take the place of such regulations.

A Planned Unit Development may be allowed at the discretion of the City Council following a recommendation of the Planning Commission in any agricultural or residential zone. An application for approval of a PUD is a request by the applicant for additional density and flexibility than that allowed by the underlying zoning. An applicant will not be denied the right to develop property in the traditional manner by satisfying all of the requirements of Title 16 and all other chapters of this Title. Denial of a PUD shall not result in a takings claim against the City because no applicant shall be denied the right to develop property by satisfying all of the requirements of Title 16 and all other chapters of this Title. The City Council need not provide detailed findings or reasons for denial of a PUD since its decision is legislative.

The intent of this Chapter is to allow and encourage a flexible, efficient and imaginative development pattern. Planned Unit Developments can:

1. Provide flexible development options where a standard lot pattern is not practical or desirable due to physical constraints.
2. Promote attractive architectural design, creative lot configuration, provide open spaces, and ensure efficient delivery of services.
3. Promote usable public and private recreation areas, parks, trails and open space with assurance of maintenance.
4. Reduce development costs and ongoing maintenance costs.

Any development that satisfies the requirements of this Chapter may be considered for approval as a PUD regardless of whether the requirements of Title 16, Subdivisions, and the other requirements of Title 17, Zoning, are satisfied. In the case of conflicting requirements of this Chapter and Title 16, Subdivisions, and Title 17, Zoning, this Chapter shall govern.

There will be a presumption against approval of land development as a Planned Unit Development. The applicant bears the sole responsibility and burden of establishing, by a preponderance of the evidence presented, that the alternative development layout and other features of the proposed PUD, taken as a whole, are preferable to a traditional subdivision approved in accordance with Title 16 and all other requirements of this Title. Such preferability may be demonstrated, in part, by a showing that the proposed PUD is in accordance with the purpose, spirit and intent of this Chapter and is not hazardous, harmful, offensive or otherwise adverse to the environment, property values, the character of the neighborhood, or the health, safety and welfare of the community.

17.68.020 Development Description.

A Planned Unit Development is a development containing residential lots, pads, or units in which some of the parcels may be reduced below the minimum lot size required by the zoning district. The regulations of the underlying zone may be negotiated and modified to allow flexibility and initiative in

site and building design and location, in accordance with an approved PUD plan and requirements of this Chapter. Projects are planned to achieve a coordinated, functional and unified development pattern. A PUD allows greater flexibility in project layout while assuring that the character of the underlying district is maintained and the requirements of the Design Guidelines and Standard Specifications are satisfied. Applicants may be eligible for a density bonus based on provision of additional amenities in the development (see Section 17.68.120 for more). Planned Unit Developments are allowed in all residential zones of West Bountiful City.

Because the lot sizes in a PUD are flexible, a building footprint shall be indicated on each lot, identifying the buildable area of the lot and the required setback area for the lot. The City Council may require the buildable area of the lots to be increased if it is determined that an average size dwelling, in comparison with other dwellings in the general vicinity, cannot be constructed on the proposed lots.

Although flexibility in lot arrangement is a feature of a PUD, the lots in the development will be reviewed to ensure that the lots can be used for their intended purpose. Each lot should accommodate a dwelling compatible with other dwellings in the development and access should be provided in a reasonable manner. Lots in a PUD should not be designed in a manner that creates odd-shaped lots and in particular to simply obtain additional lots.

17.68.030 Approval.

Planned Unit Developments may be allowed in any agricultural or residential zoning district upon Planning Commission and City Council approval. No Planned Unit Development permit shall be granted unless the development meets the use limitations of the zoning district in which it is located and meets the density and other limitations of such districts, except as such requirements may be modified by this Chapter. Compliance with the regulations of this Chapter in no way excuses the developer from the applicable requirements of Title 16 and the other requirements of this Title, except as modifications thereof are specifically authorized in the approval of the application for the Planned Unit Development.

17.68.040 Base Density.

The base density for each Planned Unit Development is calculated by multiplying the units per acre allowed in the zone in which the proposed development is located by the total number of acres in the proposed project (the **“Base Density”**). The number of units allowed for the purpose of determining the Base Density of a proposed Planned Unit Development in each residential zone of West Bountiful City are as follows:

Zone	Units Per Acre Allowed
A-1	1 (net acreage)
R-1-22	2 (one unit per one-half acre) (net acreage)
R-1-10	4.356 (one unit per 10,000 square feet) (net acreage)

An applicant may present a flexible project layout for consideration by the City based on the Base Density described above. An applicant may also be eligible for a density bonus as described in Section 17.68.110.

17.68.050 Area.

No Planned Unit Development shall have an area less than that approved by the Planning Commission as adequate for the proposed development, and in no case less than the minimum area requirements of Section 17.68.100.A.

17.68.060 Uses.

A Planned Unit Development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and must be accompanied by an application for a zoning amendment.

Where a site is situated in more than one use district, the permitted uses applicable to such property in one district may be extended into the adjacent use districts.

17.68.070 Ownership.

The development shall be in single or corporate ownership at the time of application, or the subject of an application filed jointly by all owners of the property.

17.68.080 Desirability.

The proposed use of the particular location shall be shown as necessary or desirable, to provide a service or facility that will contribute to the general well being of the surrounding area. It shall also be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity of the Planned Unit Development.

17.68.090 Design.

The Planning Commission shall require such arrangements of structures and open spaces within the site development plan as necessary to ensure that adjacent properties will not be adversely affected.

A. Density. Density of land use shall in no case be more than thirty-five (35) percent higher than allowed in the zoning district.

B. Arrangement. Where feasible, the least height and density of buildings and uses shall be arranged around the boundaries of the development.

C. Specific regulations. Lot area, width, yard, height, density and coverage regulations shall be determined by approval of the site development plan.

17.68.100 Minimum Standards.

A. General Regulations. A minimum of seven (7) acres of land in the A-1 zone, and four (4) acres in the R-1-22 and R-1-10 zone is required for a proposal to be developed as a PUD.

B. Open spaces. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by either:

1. Dedication of land as a public park or parkway system; or

2. Creation of a permanent, open space easement on and over private open spaces to guarantee that the open space remain perpetually as open space or as an agricultural or recreational use, as the case may be, with ownership and maintenance being the responsibility of a corporation or other association established with articles of association and bylaws or similar rules, which are satisfactory to the Planning Commission.

The open space may be used to provide amenities in the development. Maintenance of the open space is the responsibility of the owner of the development, if held in single ownership, or a residential corporation or other association, if the dwelling units are sold separately, unless dedicated to the City and accepted by the City Council.

As part of the application for a Planned Unit Development, the applicant shall submit a detailed improvement plan indicating the landscaping, trails, facilities, and other amenities proposed in the development. Upon approval of the amenities package by the City Council, the applicant will be required to complete all improvements in accordance with the development approval. Furthermore, if any open space area is anticipated to be dedicated to West Bountiful City, the landscaping materials, sprinkling system and other improvements shall be completed in accordance with any design or improvement standards adopted by West Bountiful City.

C. Parking – Garages and Parking Lots. Each dwelling unit in a Planned Unit Development shall include at least a two (2) car garage constructed in accordance with West Bountiful City building standards. In addition, every PUD shall provide for adequate offstreet parking of vehicles, including recreational vehicle parking.

All parking spaces, parking areas, and driveways shall be hard surfaced and properly drained. Large expanses of asphalt should be reduced and broken into smaller parking lots. Parking lots should include ample landscaping to buffer cars from neighboring properties.

D. Attractive Elevations – Variety and Architecture. Structures in the Planned Unit Development must include, at a minimum, the following design elements:

1. A variety of elevations, roof types (e.g., mansard, hip, gabled, traditional), colors, materials, and other architectural features must be incorporated into the housing units so as to eliminate or greatly reduce the impression of tract housing.
2. Garage doors must not be the most prominent feature of the structure. Side entry garages that do not face public streets, garage doors that are recessed from the front of the structure, or other creative solutions are highly encouraged.

3. Dwellings with the same or similar elevations (façade, exterior design, or appearance) must not be placed adjacent to each other or across the street from dwellings with the same or similar elevations except when the Planning Commission for good cause approves limited variation in the Planned Unit Development.

4. Any proposed nonresidential structures should be complementary to the surrounding and historic architecture in terms of scale, massing, roof shape, exterior materials, etc. Such structures should not create masses out of proportion to the residential structures in the development and surrounding neighborhoods, but should be scaled down into groupings of smaller attached structures.

Failure to incorporate these minimum design standards into the proposed structures in the development may result in denial of the request for a Planned Unit Development.

E. Upgraded Materials. The materials used to construct the structures in a Planned Unit Development will represent an upgrade from typical construction practices. At a minimum, all residential structures within a Planned Unit Development will include at least eighty (80) percent hard surface exterior materials defined as brick, stucco, stone, stacked stone, simulated wood concrete siding, or similar materials. The applicant must present samples of proposed materials to the Planning Commission for review in connection with approval of the PUD.

F. Vehicular and Pedestrian Access. Adequate vehicular and pedestrian access must be provided. A traffic impact study shall be required, as part of the preliminary PUD plan, to project auto and truck traffic generated by the uses proposed. The traffic impact study must be prepared by a registered traffic engineer, unless otherwise expressly waived by the Planning Commission. The traffic study shall include an analysis of on-site circulation, capacities of existing streets, number of additional trips which will be generated, origin/destination studies and peak traffic generation movements.

G. Connection with Trails. Any Planned Unit Development that is traversed by or connected to a city trail will be required to install the trail consistent with all applicable ordinances and improvement standards of West Bountiful City.

H. Signage. Signage for any nonresidential buildings within the PUD should be part of a coordinated signage system for the entire PUD project. Signage should help unify the project and provide a positive image. Natural materials such as wood, stone, rock, and metal with external illumination are encouraged. The size, location, design and nature of signs, if any, and the intensity and direction of area or floodlighting shall be detailed in the application. The size and location of signage shall conform to the requirements and guidelines for monument signage from Chapter 17.48 of this Title.

I. General Contributions. The Planning Commission, as part of the approval of a PUD, shall be permitted to require an applicant to make reasonable contributions to include, but not limited to any combination of the following:

1. Dedication of land for public park purposes.
2. Dedication of land for public school purposes.
3. Dedication of land for public road right-of-way purposes.
4. Construction of, or addition to, roads servicing the proposed project when such construction or addition is reasonably related to the traffic to be generated.
5. Installation of required traffic safety devices.
6. Preservation of areas containing significant natural, environmental, historic, archeological or similar resources.

17.68.110 Density Bonus Calculation.

An applicant for a Planned Unit Development may be eligible for a density bonus based on amenities provided in the project. Density in excess of the Base Density may be considered for projects which satisfy the requirements of one or more of the density bonus amenities listed below. Each amenity is assigned a potential density bonus figured as a percentage increase in dwelling units. A density bonus shall not exceed thirty-five (35) percent above the Base Density. The maximum allowed density in each zone is indicated in the table below.

Zone	Base Density	Maximum Density
	(Units Per Acre)	with 35% Density Bonus
A-1	1 (net)	1.35 (net)
R-1-22	2 (net)	2.70 (net)
R-1-10	4.356 (net)	5.88 (net)

17.68.120 Amenity Density Bonus.

The Planning Commission may recommend a density bonus for project amenities within a Planned Unit Development, which will be an increase over the Base Density of the applicable zoning district. Amenities for a particular project may vary from those of another project because of project type and market for which the project is being built. Types of amenities may include, but are not limited to, substantial landscaping; public tennis courts; trails; equestrian facilities; recreation facilities, areas and parks; permanent open space; common useable agricultural or farming open spaces; or other similar features. The City shall consider the total project and the proposed amenities, and determine the amount of density bonus, if any, a project may receive. When figuring total project density, the number of dwelling units will always be rounded down to the nearest dwelling unit.

A density bonus shall always be at the option of the Planning Commission. If the Commission determines that a density bonus is not appropriate in a certain area, the bonus will not be given. Additionally, the Commission may limit the number of additional units allowed in a certain project. In no case shall an amenity density bonus result in an increase of more than thirty-five (35) percent above the Base Density.

The following list of amenities shall be considered by the Planning Commission for a density bonus in a Planned Unit Development. Each amenity contains a percentage bonus which a project may receive. If a project receives a density bonus, the Base Density will be multiplied by the percentage attached to the amenity to determine the additional units. In order to determine total project density, the Planning Commission shall add all additional units to the Base Density.

In order to qualify for a density bonus, the amenity shall add value to the project and result in a more desirable project for the community. Developers are expected to provide amenities beyond those found in typical subdivisions in order to receive a bonus.

A. Building and Project Design (0-5%)

The Planning Commission will consider and give comprehensive and critical attention to architectural design and style, including unit types, architectural theme, building materials and colors, fence and wall treatment, solar considerations, project entrances, orientation of buildings to amenities within the development, neighborhood design elements and visual appearance of the development from outside the project.

B. Innovative Site Plan (0-5%)

The Planning Commission will consider an innovative site plan which is in harmony with the topography and other natural features of the site. An innovative site plan could also include a variety of lot sizes, setbacks, dwelling unit types, clustered development patterns, and natural resource protection.

C. Substantial Public Benefit (0-10%)

The Planning Commission will consider this amenity bonus if substantial public benefit through the provision of public facilities (such as park dedication, trail system, or other recreational facilities), that are both unusual in character and serve the needs of an area greater than the immediate development, is provided by the project. No density increase for substantial public benefit may be approved unless the public facilities provided are in excess of the typically required street improvements, sidewalks or trails, public recreational amenities, utilities and drainage facilities.

D. Provision, Protection and Maintenance of Open Space (0-10%)

The Planning Commission will consider the provision, protection and maintenance of permanent common open space or agricultural open space which is distinguishable from a standard subdivision by its quantity or quality. The open space should be readily accessible to the residents of the development, when appropriate. Consideration will be given for innovative clustering designs that maximize open space and preserve the scenic views and beauty of the community. Open space placed in conservation easements in perpetuity will be valued highly in the PUD process. In order to gain a larger density bonus, the developer must provide a plan for the ongoing maintenance of the open space by means of a homeowners association or other entity which does not encumber the City.

E. Interior Amenities and Landscaping (0-5%)

The Planning Commission will consider the provision of private recreational facilities such as tennis courts, equestrian facilities, recreational centers, jogging paths, trails, water features, parks and similar facilities which are accessible to the residents of the development. Additionally, the Commission will consider overall streetscape, including street and sidewalk treatment, street trees, overall landscaping, signs, graphics, mail boxes, lighting, garage placement, car port screening, and dwelling entrances.

17.68.130 Relationship of PUD to This Title and Other Development Ordinances of West Bountiful City.

This Chapter is intended to be supplementary to the other provisions of this Title. Unless specifically indicated in this Chapter, all requirements of this Title and any and all other development ordinances of West Bountiful City must be satisfied with the following exceptions:

1. The sideyard setback requirements must be consistent with those of the underlying zoning district for all structures within the Planned Unit Development.
2. The frontage and lot area requirements may be allowed to be modified for all lots, pads, or parcels within the Planned Unit Development except those located directly across a public street from a development that satisfies the frontage requirements of Title 17, Zoning.
3. The density of the development shall be equal to the total project density in accordance with Sections 17.68.110 and 17.68.120, whether consistent with the other requirements of Title 17, Zoning , or not.

17.68.140 Phasing.

All residential subdivisions with more than ten (10) lots, pads, parcels, or units shall include a phasing plan that specifies the timing of public improvements and residential construction. This plan must be submitted to the Planning Commission at or before the submission of the Preliminary Plan.

The phasing plan shall include the number of units or parcels to be developed in each phase; the approximate timing of each phase; the timing of construction of public improvements and subdivision amenities to serve each phase, whether onsite or offsite; and the relationship between the public improvements in the Planned Unit Development and contiguous land previously subdivided and yet to be subdivided. A developer may request a revision of the phasing plan, which may be necessary due to conditions such as changing market conditions, inclement weather or other factors.

17.68.150 Landscaping.

Landscaping, fencing and screening regulated to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the Planning Commission for approval, together with other required plans for the development. A planting plan showing proposed tree and shrubbery plantings shall be prepared for the entire site to be developed. A grading and drainage plan shall also be submitted to the Planning Commission with the PUD application.

17.68.160 Guarantees and Covenants.

Adequate guarantees shall be provided for permanent retention and maintenance of all open space areas created, before final plan approval can be granted.

A. Open Space Guarantees: The city shall require the preservation, maintenance and ownership of all open space through one, or a combination of the following:

1. Dedication of the land as a public park or parkway system.
2. Dedication of the land as permanent open space on the recorded plat.
3. Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation or agricultural use, with ownership and maintenance being the responsibility of a residential corporation or association.
4. Through compliance with the provisions of the Condominium Ownership Act, as outlined in Utah Code Annotated, Title 57, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities.

In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PUD plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible corporation or association.

B. Performance Guarantee: In order to ensure that the Planned Unit Development will be constructed to completion in an acceptable manner, the applicant shall post performance guarantees as outlined in the subdivision ordinance. The letter of credit or escrow account shall include the completion of offsite improvements, including, among other things, landscaping, sprinkling or irrigation systems, drives, storm drains, street surfacing, parking areas, sidewalks, curbs and gutters.

C. Covenants, Conditions and Restrictions:

1. The applicant for any Planned Unit Development shall, prior to the conveyance of any unit, submit to the Planning Commission a declaration of covenants, conditions and restrictions relating to the project, which shall become part of the final development plan and shall be recorded to run with the land. The declaration shall include management policies which shall set forth the quality of maintenance that will be performed, and shall specify the party responsible for such maintenance within the development. The declaration shall also contain, at a minimum, the following:

a. The establishment of a corporation or other association responsible for all maintenance, which shall levy the cost thereof as an assessment to each unit owner within the development.

b. The establishment of a management committee, with provisions setting forth the number of persons constituting the committee, the method of selection, and the powers and duties of the committee; and including the person or entity with property management expertise and experience who shall be designated to manage the maintenance of the common areas and facilities in an efficient and quality manner.

c. The method of calling a meeting of the members of the corporation or other association, with the members thereof that will constitute a quorum authorized to transact business.

d. The manner of collection from unit owners for their share of common expenses, and the method of assessment.

e. The establishment of an initial reserve fund for the corporation or other association, to adequately cover maintenance and operation expenses until such time as the corporation or association is fully operational and self-sustaining.

f. Provisions as to percentage of votes by unit owners which shall be necessary to determine whether to rebuild, repair and restore or sell property in the event of damage or destruction of all or part of the project.

g. The method and procedure by which the declaration may be amended.

2. The declaration required herein, amendments, and any instrument affecting the property or any unit therein, are subject to approval by the City Attorney and the Planning Commission and must be recorded with the County Recorder.

17.68.170 Considerations.

In carrying out the intent of this Chapter, the Planning Commission shall consider the following principles:

1. It is the intent of this Chapter that site and building plans for a PUD shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The Commission shall be permitted to require the applicant to engage such professional expertise as a qualified designer or design team.
2. It is not the intent of this Chapter that control of the design of a PUD by the Planning Commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this Chapter that the control exercised be the minimum necessary to achieve the purposes of this Chapter.
3. The Planning Commission shall be authorized to recommend approval of, or deny, an application for PUD. The City Council shall be authorized to grant final approval or denial of an application for a PUD.

In the recommendation for approval or in the final approval, the Planning Commission and City Council shall be permitted to attach such conditions as they deem necessary to secure compliance with the purposes set forth in this Chapter. The denial of an application for a PUD by the Planning Commission may be appealed to the West Bountiful City Council in accordance with applicable law.

17.68.180 Approval.

The Planning Commission shall have the authority to require that the following conditions for a Planned Unit Development (among others it deems appropriate) be met by the applicant:

1. That construction starts within 1 year of either the approval of the project or of any necessary zoning district change, whichever occurs last; and that the construction, or approved stages thereof, be completed within 4 years after the date construction begins.
2. That the development be planned as one complex land use rather than as an aggregation of individual and unrelated buildings and uses.

17.68.190 Limitations on application.

1. Upon approval of a PUD, construction shall proceed only in accordance with the plans and specifications approved by the City Council and in conformity with any conditions attached by the Council as to its approval.
2. Amendment to approved plans and specifications for a PUD shall be obtained only by following the procedures here outlined for first approval.
3. The code official shall not issue any permit for any proposed building, structure or use within the project unless such building, structure or use is in accordance with the approved development plan and with any conditions imposed in conjunction with its approval.

(17.68 Amended October 7, 2008; Ord. 303-08)

Chapter 17.72 MOBILEHOME PARKS AND MOBILEHOME SUBDIVISIONS

Sections:

17.72.010 Purpose and intent.

17.72.020 Standards and requirements.

17.72.030 Additional requirements for mobilehome parks.

17.72.040 Additional requirements for mobilehome subdivisions.

17.72.010 Purpose and intent.

The purposes and intent of this chapter are:

A. To permit variety and flexibility in land development for residential purposes by allowing the use of mobilehomes under certain conditions; and

B. To require that mobilehome developments be of such character as to promote the objectives and purposes of this title; to protect the integrity and characteristics of the district contiguous to those in which mobilehome parks are located; and to protect other land use values contiguous to or near mobilehome developments. (Prior code § 9-20-1)

17.72.020 Standards and requirements.

A. The planning commission shall review the proposed development plan to determine its compliance with all portions of the city's master plan and, among other things, shall attempt to

make sure that such development will constitute a residential environment of sustained desirability and stability and that it will not adversely affect amenities in the surrounding area.

Standards higher than the minimum standards contained in this title may be required if necessary for local conditions of health, safety and protection of property, and to insure that the development will mix harmoniously with contiguous and nearby existing and planned uses.

B. The planning commission shall not approve any application for a mobilehome park or mobilehome conditional use permit if the developer cannot provide required water supplies and facilities, waste disposal systems, storm drainage facilities, access or improvements. Nor shall such a permit be granted if the developer cannot assure that the development will be completed in a reasonable time, or if the planning commission or city council determines there would be unusual danger of flood, fire or other hazard. Nor shall such a permit be granted if the proposed development would be of such character or in such a location that it would:

1. Create excessive costs for public services and facilities;
2. Endanger the health or safety of the public;
3. Unreasonably hurt or destroy the environment;
4. Cause excessive air or water pollution, or soil erosion; or
5. Be inconsistent with any adopted general or specific plan of the area in which it is to be placed.

C. The development shall conform to the following standards and requirements, unless modified by an approved planned unit development plan:

1. The area shall be in one ownership, or if in several, the application for approval of the development shall be filed jointly by all owners of the property included in the plan.
2. A strip of land at least fifteen (15) feet wide surrounding the entire park shall be left unoccupied, and shall be planted and maintained in lawn, shrubs and/or trees, with an approved wall or fence designed to afford privacy to the development.
3. All storage and solid waste receptacles outside the confines of any mobilehome shall be housed in a closed structure compatible in design and construction to the mobilehomes, and to any service buildings within the development; all patios, carports, garages and other add-ons shall be compatible in design and construction with the mobilehome. All service buildings shall be constructed in accordance with standard commercial practice and kept in good repair as determined by the zoning administrator.
4. All mobilehome parks and mobilehome subdivisions shall also conform to all applicable state regulations. In the event of any conflict between the regulations and this chapter, this chapter shall take precedence when its regulations are more strict, and the provisions of the state regulations shall take precedence when such regulations are more strict.

D. Every mobilehome park and mobilehome subdivision shall provide underground utility service to every mobilehome lot as required by the planning commission, including, but not limited to, water, sewer, power and television.

E. Inspection and Special Regulation of Mobilehomes. Mobilehomes are considered by the city to be less durable and less resistant to deterioration than are conventional homes. Therefore, all mobilehomes which are used for human habitation, whether conforming or non-conforming, and whether located in mobilehome parks, in mobilehome subdivisions or bona fide farms or ranches, shall be subject to the following special regulations:

1. Permits are required for mobilehome plumbing and electrical hookups, and such hookups shall be made only by licensed plumbers and electricians.
2. No mobilehome may be placed on a permanent foundation without state-approved modification.
3. No modular home or mobilehome shall be moved into or within the city without a HUD certification for compliance with the National Home Construction and Safety Standards Act of 1974. Homes manufactured prior to June 15, 1976, must receive a certificate of compliance from the state prior to being moved into or within the city.
4. Each mobilehome within the city may be inspected annually, or upon evidence of need, by the building inspector, to determine whether the structure is sound and being kept in a safe and sanitary condition for human habitation. During the inspection, the building inspector shall determine whether the mobilehome is being maintained in violation of the fire or sanitary codes adopted by the city, whether substantial deterioration of the structure exists so as to adversely affect the health or safety of the occupants, or whether there has been such deterioration in appearance as to render the mobilehome unsightly and to adversely affect the value of neighboring properties.
5. Upon a finding of noncompliance, the building inspector shall order the deficiencies corrected and a certificate of compliance obtained within thirty (30) days.
6. If such deficiencies are not corrected, or cannot be corrected, the mobilehome shall be ordered vacated and removed from the premises, and shall not thereafter be used for human habitation within the city unless all deficiencies are corrected and a certificate of compliance obtained.

F. Compliance with Other Regulations. Any mobilehome located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations and building, plumbing, electrical, fire prevention, and all other codes and requirements applicable to a structure or building erected within the district in which the mobilehome is located.

G. Guarantees.

1. For mobilehome parks, adequate and reasonable guarantees must be provided as determined by the planning commission for permanent retention of open spaces and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, or a mortgage on real estate, in a sum to be determined by the planning commission, and in a form which must be approved by the city council and the city attorney.
2. In any case, when a mobilehome park is owned by more than one person, the developer shall establish and appoint a park manager. The manager shall be authorized to receive, process and represent fully the interests of the owners in respect to the continuing management and maintenance of the park.

3. The obtaining of an annual business license from the city shall be a prerequisite to the operation of any mobilehome park in the city.

4. In the event a mobilehome is not completed according to approved plans, the annual business license shall be denied, the mobilehomes and associated property and facilities shall be removed, and all services shall be discontinued before any part of the land within the development planning area may be used for any other purpose, or be subdivided. (Prior code § 9-20-2)

17.72.030 Additional requirements for mobilehome parks.

In addition to the requirements for mobilehome parks set forth in Section 17.72.020, mobilehome parks shall meet all of the following requirements:

A. The number of mobilehomes shall be limited to ten (10) units per acre and may be limited to fewer units, depending on mobilehome size, topography and other factors of the particular site. The mobilehomes may be clustered; provided, that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual lots, roads, or parking shall be set aside and developed as parks, playgrounds and service areas for the common use and enjoyment of occupants of the development, and visitors thereto.

B. No home or add-on shall be located closer than twenty (20) feet from the nearest portion of any other home or add-on. All such homes and add-ons shall be set back at least ten (10) feet from road curbs or walks. If the mobilehome tongue remains attached, it shall be set back a minimum of six feet from road curbs or walks. All mobilehomes shall be set back at least fifteen (15) feet from any boundary of the mobilehome park.

C. Off-street parking shall be provided at the rate of two parking spaces per mobilehome space, and each such parking space shall have a minimum width of ten (10) feet and minimum depth of twenty (20) feet. In no case shall the parking space be located farther than one hundred (100) feet from the mobilehome space it is designed to serve.

D. A security compound for storage of vehicles, boats and other large items shall be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobilehome space.

E. One-story, bulk storage areas shall be provided within a mobilehome park, equivalent to sixty (60) square feet per mobilehome space. The area designated for bulk storage shall be improved, landscaped and screened in such a manner as approved by the planning commission.

F. Not less than ten (10) percent of the gross land area shall be set aside for the joint use and enjoyment of occupants. The land covered by vehicular roadways, sidewalks and off-street parking shall not be construed as part of this ten (10) percent common area required; provided, however, that in initial stages of development or special smaller developments the minimum area shall be not less than one-half acre or ten (10) percent, whichever is greater.

G. Yard lighting with a minimum of two-tenths foot candles of light shall be required for protective lighting the full length of all driveways and walkways.

H. All areas not covered by mobilehomes or recreational vehicles, hard surfacing, or buildings shall be landscaped as approved by the planning commission, and such landscaping shall be permanently maintained.

I. All off-street parking spaces and driveways shall be hard surfaced before the adjacent spaces may be occupied.

J. All roadways shall be designed to accommodate anticipated traffic, including the following standards, unless modified by an approved planned unit development plan:

1. One-way traffic: a minimum of fifteen (15) feet in width plus extra width as necessary for maneuvering mobilehomes;
2. Two-way traffic: a minimum of thirty (30) feet in width;
3. Entrance roadways: a minimum of thirty-six (36) feet in width;
4. Roadways: hard surfaced and bordered by twenty-four (24) inch rolled gutters or an approved equivalent;
5. Sidewalks: thirty-six (36) inch minimum width sidewalks on all main roadways within the development, if required by the planning commission; and
6. Access: at least two accesses to public streets, unless more than one access is prohibited by a responsible public agency.

K. Within forty-five (45) days of occupancy, each mobilehome shall be skirted, or if shields are used, they are to be fireproof, well painted, or otherwise preserved.

L. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities must be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

M. The mobilehome park shall:

1. Be in keeping with the general character of the district in which it is to be located,
2. Be located on a parcel of land not less than ten (10) acres, or on two or more parcels separated by a street or alley only and totaling ten (10) acres, unless modified by an approved planned unit development plan; and
3. Have at least twenty-five (25) spaces completed, ready for occupancy, or an approved financing plan for construction and phase completion, together with approved security to assure compliance, before first occupancy is permitted.

N. A launderette for convenience of park occupants, but not for the general public, may be included in mobilehome parks.

O. No mobilehome space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease. Leases shall be made available for inspection by the officials of the city upon demand.

P. Access shall be provided to each mobilehome lot for maneuvering mobilehomes into position. The access way shall be kept free from trees and other immovable obstructions. Paving under mobilehomes will not be required if adequate support is provided as required by state

regulations. Use of planks, steel mats, or other means to support the mobilehome during placement shall be allowed, so long as the same are removed upon completion of placement. (Prior code § 9-20-3)

17.72.040 Additional requirements for mobilehome subdivisions.

In addition to the requirements for mobilehome subdivisions outlined above, mobilehome subdivisions shall meet all of the following requirements:

A. Mobilehome subdivisions may be approved by the city council in locations permitting such use in this title. Before such approval may be granted, a report to the city council by the planning commission shall find that the proposed development will:

1. Be located on a parcel of land containing not less than five acres;
2. Contain lots with a minimum net five thousand (5,000) square feet and a minimum width of fifty (50) feet; and
3. Be organized in a homeowners' association, if required by the planning commission.

B. The planning commission may require a security compound for the storage of vehicles, boats, and other large items, to be provided equivalent to a minimum of three hundred (300) square feet of paved area per mobile-home lot, to be maintained by a homeowners' association in the mobilehome subdivision.

C. Each mobilehome shall be skirted or shielded within forty-five (45) days of occupancy. If shields are used, they are to be fireproof and painted, or otherwise preserved.

D. Street widths shall be as required by the subdivision regulations, except as may be modified by an approved planned unit development plan.

E. The planning commission may require the creation of a homeowners' association as a prerequisite to approval of a mobilehome subdivision.

F. No mobilehome in a mobilehome subdivision shall be rented or leased for a period of less than ninety (90) days. (Prior code § 9-20-4)

Chapter 17.76 SWIMMING POOLS AND RECREATIONAL FACILITIES

Sections:

17.76.010 Definitions.

17.76.020 Private pools and use.

17.76.030 Semi-private pools and use.

17.76.010 Definitions.

As used in this chapter:

"Private swimming pool" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a single family residence and available only to the family of the household and private guests.

"Semi-private swimming pool" means any constructed pool which is used, or intended to be used, as a swimming pool in connection with a neighborhood recreational facility.

"Swimming pool" means any constructed pool used for bathing or swimming which is over twenty-four (24) inches in depth, or with a surface area exceeding two hundred fifty (250) square feet. (Prior code § 9-23-1)

17.76.020 Private pools and use.

Any private or semiprivate swimming pool not completely enclosed within a building having solid walls shall be set back at least ten (10) feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six feet. There shall be no openings larger than thirty-six (36) square inches, except for gates which shall be equipped with self-closing and self-latching devices. Such gates shall be securely locked when pool is not in use by persons invited by the owner. Private swimming pools will be permitted when they meet the necessary setback requirements. However, there must be no direct connection to the city's culinary water system or to the sewer system of the city. (Prior code § 9-23-2)

17.76.030 Semi-private pools and use.

The planning commission may permit, temporarily or permanently, the use of land in any zoning district for semi-private swimming pools or recreational facilities, provided that in all such cases the following conditions are met:

- A. The facilities are to be owned and maintained by the members, and a minimum of seventyfive (75) percent of the membership must be residents of the neighborhood or section of the subdivision in which the recreational facility is to be located.
- B. The area to be used for recreational purposes is of sufficient size to accommodate all proposed facilities, together with off-street parking, when required by the planning commission, of sufficient size to satisfy the needs of the area and still maintain a landscaped front yard of not less than thirty (30) feet and a landscaped side yard on both sides and rear of not less than ten (10) feet.
- C. The area to be developed into a recreational area must be of such size and shape as to cause no undue infringement on the privacy of the abutting residential areas and be in keeping with the design of the neighborhood in which the recreational area is to be situated.
- D. A solid wall or substantial fence shall be required around the entire recreational area to a height of not less than six feet, the fence across the front of the property to be constructed no nearer to the front property line than the required front setback.
- E. Electrical.
 - 1. Overhead Conductor Clearances. The following parts of swimming pools shall not be placed under existing service-drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

- a. Swimming pool and the area extending ten (10) feet horizontally from the inside of the walls of the pool;
- b. Diving structures; or
- c. Observation stands, towers and platforms.

2. Underground Conductor Clearances.

- a. Distribution Lines Over Six Hundred (600) Volts. There shall be a minimum ten (10) feet horizontal separation between the closest edge of pool and lines distributing over six hundred (600) volts of electricity.
- b. Service Lines Under Six Hundred (600) Volts. There shall be a minimum five feet horizontal separation between the closest edge of the pool and service lines carrying under six hundred (600) volts of electricity.

F. Under no condition can any charge be made for the use of any of the facilities in the recreational area unless specifically authorized by the planning commission.

G. Under no condition shall any type of retail or business facilities, including vending machines, be permitted in the recreational area except those specifically approved by the planning commission.

H. Club houses or any type of night-time indoor facilities will not be permitted in connection with such recreational and swimming pool facilities.

I. Before authorizing the recreational facility, complete plans for the development of the area must be submitted to the planning commission. In addition, a detailed outline showing how the area is to be financed and maintained shall be submitted. The planning commission may require a bond by the owners to guarantee compliance with the conditions upon which the area is approved. Failure to comply with any of these conditions shall render null and void the commission's authorization of the facility.

J. The planning commission shall notify owners of all abutting properties, and present the proposal at a public meeting, after which the commission shall recommend approval or disapproval of the application.

K. The planning commission will have the authority to place whatever additional conditions or restrictions, including a bond, which it may deem necessary to protect the character of the district and to insure the proper development and maintenance of such a recreational area. These conditions may include requiring that plans be approved which set forth the disposition or re-use of the property if the recreational area is abandoned by the developers or is not maintained in the manner agreed upon. (Prior code § 9-23-3)

Chapter 17.80 HOME OCCUPATIONS

Sections:

17.80.010 Home occupation defined.

17.80.020 Permit required.

17.80.030 Procedure.

17.80.040 Conditions.

17.80.050 Noncompliance--Revocation and suspension of permit.

17.80.060 Business license required.

17.80.010 Home occupation defined.

"Home occupation" means a use approved by the planning and zoning commission that allows the residents in a dwelling, garage, or other approved structure located in a residential district, to carry on an occupation, full or part time, at home where such resident or residents provide services or manufacture products or goods for pecuniary gain or advantage and for which a business license is required under the provisions of these ordinances. "Home occupation" does not mean, and this chapter shall not govern, any activities engaged in by a person whereby items are created or manufactured as a hobby, provided that such items are not sold or traded for pecuniary gain or advantage. (Ord. 245-97 (part): prior code § 9-24-1)

17.80.020 Permit required.

The purpose of this chapter is to protect the residential character and lifestyle of residential districts within West Bountiful City. To ensure compliance with this chapter, a home occupation permit must be obtained from the planning and zoning commission in accordance with this chapter before a person may use any part of a dwelling in a residential district for a home occupation. (Ord. 245-97 (part): prior code § 9-24-2)

17.80.030 Procedure.

A.

1. A person may not operate a home occupation without first obtaining a home occupation permit. The planning commission, with the assistance of the West Bountiful City staff, may issue a home occupation permit to any applicant who meets the conditions and standards provided in this chapter.

2. Applications are available from the West Bountiful City office. Each application shall be accompanied with a payment of a fee in such amount as the city council shall from time to time establish by ordinance or resolution, and payment of all business license fees required by these ordinances.

B. The applicant shall give written notice of the nature and description of the home occupation to all property owners within three hundred (300) feet of the exterior boundaries of the premises upon which the home occupation is to be conducted and property owners who may otherwise be affected by the home occupation.

C.

1. Except as provided in subsection (C)(2), the chair of the planning and zoning commission may sign and issue the home occupation permit.

2. The chair of the planning and zoning commission may not approve an application, and shall submit it to the planning and zoning commission for final approval, if:

a. The home occupation requested conflicts with the mandatory conditions provided in Section 17.80.040;

b. He or she determines that approval of the application would conflict with the intent of this chapter without imposing additional conditions;

c. He or she receives a notice of protest.

3. If the application is sent to the planning and zoning commission for final approval, the applicant must provide additional written notice of the time, date and location of the planning and zoning commission meeting at which the application will be discussed. At least ten (10) days prior to the date of the meeting the applicant must give notice to:

a. All property owners within three hundred (300) feet of the exterior boundaries of the premises upon which the home occupation will be conducted; and

b. Property owners who may otherwise be affected by the home occupation.

4. The planning and zoning commission may give final approval to the home occupation permit if:

a. It is satisfied that the home occupation may be operated in such a manner as to protect the residential character of West Bountiful and applicant is able to abide by the conditions imposed by the planning and zoning commission; and

b. The applicant has agreed to the conditions in writing.

D. The home occupation permit shall state:

1. The conditions required under the provisions of this chapter;

2. Any additional conditions imposed upon the applicant by the planning and zoning commission; and

3. Any time limitations. (Ord. 245-97 (part); prior code § 9-24-3)

17.80.040 Conditions.

A person who has been approved to operate a home occupation shall comply with the following conditions:

A. The home occupation shall be carried on entirely by persons residing in the dwelling unit where the home occupation is operated. A person who is not a bona fide resident of the dwelling shall not be employed to work on the premises.

B. The home occupation must be clearly incidental and secondary to the use of the dwelling or structure in which it is located and may not change its purpose or character.

C. The home occupation shall not involve the use of any part of a dwelling or the structure for which by reason of state, federal or local law or ordinances, special or extra entrances or exits or special rooms are required as a prerequisite condition to the operation of such use or for which said laws or ordinances require a license or permit except as approved by the planning and zoning commission.

D. Home occupations shall be limited to one per lot.

E. The occupation shall not involve the use of more than the equivalent of fifteen (15) percent of the main floor area of the dwelling unit, nor involve the installation of special equipment and/or fixtures, plumbing or electrical wiring for such special fixtures or equipment which are not ordinarily or customarily used in a dwelling unless otherwise approved by the planning and zoning commission.

F. Inventory or supplies may not occupy more than fifty (50) percent of the permitted area.

G. The home occupation must be operated entirely within the approved dwelling, except that a garage or accessory building or structure on the same lot as the dwelling may be used when approved by the planning and zoning commission. The planning and zoning commission may not approve the use of a garage or other structure that will change the residential character of the lot or would otherwise be contrary to the purpose of this chapter. If a garage or other structure is approved, the conditions provided in this section shall apply unless otherwise approved by the planning and zoning commission.

H. If a home occupation is authorized for a garage, the home occupation must be operated in such a manner that vehicles may be parked in the garage at night and when the home occupation activities are being conducted.

I. Yard space may not be used for home occupation activities, except;

1. Outside private swimming pools may be used for swimming instruction if the swimming instruction is given by a bona fide resident of the dwelling; and

2. Yard space may be used for day care provided the yard is entirely fenced.

J. The home occupation must comply with all fire, building, plumbing, electrical and health codes and all federal, state and local laws.

K. The home occupation may not cause or create a demand from municipal or utility services or community services in excess of those usually and customarily provided for in residential uses.

L. The home occupation may not be a nuisance or cause undue disturbance to the neighborhood.

M. The home occupation may not alter the residential character of the premises or unreasonably disturb the peace and quiet, including radio and television reception, of the neighborhood by reasons of color, design, materials, construction, lighting, odors, sounds, noise or vibrations.

N. Merchandise, goods or customer services may not be advertised or otherwise visible from the exterior of the building in which the home occupation is operated.

O. Signs, advertising or displays of any kind may not be visible from the public streets or from the exterior boundaries of the premises.

P. The home occupation shall be operated in a manner that complies with any special conditions established by the planning and zoning commission and made part of the record in the home occupation permit, as the planning and zoning commission deems necessary to carry out the provision of the intent of this chapter. (Ord. 245-97 (part): prior code § 9-24-4)

17.80.050 Noncompliance--Revocation and suspension of permit.

The planning and zoning commission may revoke or suspend a home occupation permit for a violation of any of the requirements of this chapter, or upon failure of the permit holder to comply with the conditions of the permit. The planning and zoning commission may suspend a home occupation permit to give the permittee a specified reasonable period of time to cure deficiencies. If such deficiencies are not cured by the specified period of time, the planning and zoning commission shall revoke the home occupation permit. During the period of suspension, the planning and zoning commission may impose any restrictions or conditions upon the permittee including cessation of all activities. (Ord. 245-97 (part): prior code § 9-24-5)

17.80.060 Business license required.

A home occupation permit is not a business license, and the granting of the permit shall not relieve the permittee of any other license requirements of West Bountiful City or any other public agency. (Ord. 245-97 (part): prior code § 9-24-6)

Chapter 17.84 RESIDENTIAL FACILITIES FOR ELDERLY AND DISABLED PERSONS

Sections:

17.84.010 Definitions.

17.84.020 Residential facilities for persons with a disability.

17.84.030 Residential facilities for elderly persons.

17.84.040 Design standards for protective housing, rehabilitation/treatment facilities (both residential and nonresidential), transitional housing, and assisted living facilities, when allowed as a permitted or conditional use within West Bountiful City.

17.84.050 Non-residential treatment facilities.

17.84.060 Limitations.

17.84.010 Definitions.

The following definitions shall apply to all sections of the West Bountiful City zoning ordinances and except as provided herein, shall supersede any other definition contained in the city's zoning ordinances (Title 17):

A. An "adult daycare facility" means any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by guardians for periods of less than twenty-four (24) hours per day.

B. An "assisted living facility" is a residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated support personnel and healthcare services, available twenty-four (24) hours per day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include:

1. specified services of intermediate nursing care;
2. administration of medication; and
3. support services promoting resident's independence and self sufficiency. Such a facility does not include adult daycare provided in conjunction with a residential facility for elderly persons or a residential facility for persons with a disability.

C. "Boarder" means a person living in a rented room in a boarding house. The boarding house operator or member of his or her immediate family, who resides on the premises with the operator, shall not be considered to be a boarder.

D. A "boarding house" is a building or a portion thereof where, for compensation, rooms are rented together with meals for not more than fifteen (15) boarders who generally do not directly utilize kitchen facilities. The operator of a boarding house must reside on the premises of the boarding house. The work shall include compensation in money, services, or other things of value. A boarding house does not include a residential facility for disabled persons or a residential facility for the elderly. A boarding house does not include a nonresidential facility, such as a rehabilitation/treatment facility, where the primary purpose of the facility is to deliver rehabilitation, treatment, counseling, medical, protective or other similar services to the occupants.

E. "Building, Public." For purposes of this chapter only, a public building is a building owned and operated, or owned and intended to be operated by the city, a public agency of the United States of America, the State of Utah, or any of its political subdivisions. The use of a public building, with immunity, is nontransferable and terminates if the structure is devoted to a use other than as a public building with immunity. A public building referred to as with immunity under the provisions of this title includes:

1. properties owned by the State of Utah or the United States Government which are outside of the jurisdiction of the city zoning authority as provided under Title 10, Chapter 9a, Section 304, Utah Code Annotated, 1953, as amended; and
2. the ownership or use of a building which is immune from the city zoning authority under the supremacy clause of the United States Constitution.

F. "Disability" means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such a problem or being

regarded as having such an impairment. The following definitions are incorporated into the definition of disability, to wit:

1. disability does not include current illegal use of, or addiction to, any federally controlled substance as defined in Section 102 of the Controlled Substances Act, 21 USC 802, or as defined under Title 58, Chapter 37, Utah Code Annotated, 1953, as amended;
2. a physical or mental impairment includes the following, to wit:
 - a. Any psychological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or
 - b. Any mental or physiological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities; or
 - c. Such diseases and conditions as orthopedic, visual, speech and hearing impairments, cerebral palsy, autism, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, human immunodeficiency virus (HIV), mental retardation, emotional illness, drug addiction (other than addiction caused by current, illegal use of controlled substances) and alcoholism.

G. "Domestic staff" means persons employed or residing on the premises of a dwelling or other residential facility to perform domestic services or to assist residents in performing major life activities.

H. "Elderly person" means a person who is sixty (60) years or older, who desires or needs to live with other elderly persons in a group setting, but who is capable of living independently.

I. "Family" means one or more persons related by blood, marriage, adoption, or guardianship, or may also include five (5) additional unrelated individuals living with the family, such as domestic staff, living together as a single nonprofit housekeeping unit. "Family" does not exclude the care of foster children.

J. "Hospital" means an institution licensed by the State of Utah which provides diagnostic, therapeutic, and rehabilitative services to individuals on both an inpatient and outpatient basis by or under the supervision of one or more physicians. A medical clinic or professional office which offers any inpatient or overnight care, or operates on a twenty-four (24) hour basis shall be considered to be a hospital. A hospital may include necessary support service facilities such as laboratories, outpatient units and training and central services, together with staff offices necessary to operate the hospital.

K. "Major life activities" means functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.

L. "Non-Residential Treatment Facility" is a facility wherein no persons will be housed on an overnight basis, and provides services including rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

M. "Nursing home" means an intermediate care/nursing facility or a skilled nursing facility licensed by the state of Utah, for the care of individuals who, due to illness, advanced age, disability, or impairment require assistance and/or supervision on a twenty-four (24) hour per day basis. Such a facility does not include an adult daycare facility or adult daycare provider in conjunction with residential facilities for elderly persons or a residential facility for persons with a disability.

N. "Protective housing facility" means a facility either: (1) operated, licensed, or contracted by a governmental entity, or (2) operated by a charitable, nonprofit organization, where for no compensation, temporary, protective housing is provided to: (a) abused or neglected children awaiting placement in foster care; (b) pregnant or parenting teens; (c) victims of sexual abuse; or (d) victims of domestic abuse.

O. "Reasonable accommodation" means a change in any rule, policy, practice, or service necessary to afford a person with a disability equal opportunity to use and enjoy a dwelling. The following words have the following definitions, to wit:

- i. Reasonable. Reasonable means a requested accommodation that will not undermine the legitimate purpose of existing zoning regulations notwithstanding the benefit that the accommodation will provide to a person with a disability.
- ii. Necessary. Necessary means the applicant must show that, but for the accommodation one or more persons with a disability likely will be denied an equal opportunity to enjoy the housing of their choice.
- iii. Equal Opportunity. Equal opportunity means achieving equal results as between a person with a disability and a non-disabled person.

P. Having a "record of impairment" means having a history of, or having been misclassified as having a mental or physical impairment that substantially limits one or more major life activities.

Q. A person is "regarded as having an impairment" when:

- 1. the person has a physical or mental impairment that does not substantially limit one or more major life activities but is treated by another person as having such a limitation;
- 2. the person has a physical or mental impairment that substantially limits one or more major life activities only as a result of the attitudes of others towards such an impairment; or
- 3. the person has none of the impairments defined in this section but is treated by another person as having such an impairment.

R. "Rehabilitation/treatment facility" means a facility licensed or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (adults and/or juveniles) in order to provide rehabilitation, treatment or counseling services. Without limitation, such services may include rehabilitation, treatment, counseling, or assessment and evaluation services related to delinquent behavior, alcohol abuse, drug abuse, sexual offenders, sexual abuse, or mental health. Associated educational services may also be provided to juvenile occupants.

S. "Related" by blood, marriage or adoption within the definition of "family" means a father, mother, husband, wife, son, daughter, sister, brother, uncle, aunt, nephew, niece, first cousin,

mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild, to include the half as well as the whole blood.

T. "Residential facility for elderly persons" means a dwelling unit that is occupied on a twenty-four (24) hour per day basis by eight (8) or fewer elderly persons in a family type arrangement. A residential facility for elderly persons shall not include any of the following, to wit:

1. a facility which is operated as a business; provided that such facility may not be considered to be operated as a business solely because a fee is charged for food or for actual and necessary costs of preparation and maintenance of the facility;
2. a facility where persons being treated for alcoholism or drug abuse are placed; a facility where placement is not on a strictly voluntary basis or where placement is part of, or in lieu of, confinement, rehabilitation, or treatment in a correctional institution; or a facility which is a healthcare facility as defined by Title 26, Chapter 21, Section 2, Utah Code Annotated, 1953, as amended; or a facility which is a residential facility for persons with a disability.

U. "Residential facility for persons with a disability" means a residence in which more than one person with a disability resides and which is:

1. licensed or certified by the Department of Human Services under Title 62A, Chapter 2, of the Utah Code, Licensure of Programs and Facilities; or
2. licensed or certified by the Department of Human Health under Title 26, Chapter 21, Health Care Facilities Licensing and Inspection Act.

V. "Resident, residential facility" means any building or portion thereof where an individual is actually living at a given point and time and intends to remain, and not a place of temporary sojourn or transient visit.

W. "Retirement home" means a residential facility designated, occupied, and intended for residents fifty (50) years of age or older where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping and sanitation.

X. "Sheltered workshop" means an onsite supervised educational or vocational training facility for persons with a disability and does not provide any residential facilities.

Y. "Shelter for the homeless" means charitable lodging or sleeping rooms provided on a temporary basis (usually on a daily basis) to those members of society lacking other safe, sanitary or affordable shelter. A shelter for the homeless may also include kitchen and cafeteria facilities.

Z. "Trade or vocational school" means a post high school educational or vocational training facility.

AA. "Transitional housing facility" means a facility owned, operated or contracted by a governmental entity or a charitable, not for profit organization, where, for no compensation, temporary housing (usually three to twenty-four months, but in no event less than thirty days) is provided to homeless persons, while they obtain work, job skills, or otherwise take steps to stabilize their circumstances. A transitional housing facility shall not include a shelter for the homeless, and a dwelling unit provided to a family for the exclusive use as part of a transitional

housing program, for more than thirty (30) days, shall not be considered to be a transitional housing facility.

17.84.020 Residential facilities for persons with a disability.

A. Applicability. This section shall be deemed to govern any facility, residence, or other circumstance that meets the definition of a residential facility as set forth in this ordinance, and the definition of a disabled person as set forth in this ordinance for the requirements of this section, shall govern the same notwithstanding any other provisions of the West Bountiful Municipal Code.

B. Purpose. The purposes of this section are:

1. To comply with Title 10, Chapter 9a, Section 520, Utah Code Annotated, 1953, as amended; and
2. To avoid discrimination in housing against persons with disabilities as provided in the Utah Fair Housing Act and the Federal Fair Housing Amendments Act as interpreted by the courts having jurisdiction over West Bountiful City.

C. Permitted Use. A residential facility for persons with a disability shall be a permitted use in any zoning district where a dwelling is allowed. Each such facility shall conform to the following requirements:

1. The facility shall comply with all applicable building, safety and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency. The facility shall also comply with the city's land use zoning provisions applicable to single-family dwellings for the zone in which it is to be located, except as may be modified by the provisions of this chapter.
2. The following site development standards and parking standards shall be applicable:
 - a. Each facility shall be subject to minimum site development standards applicable to a dwelling unit in the zone in which the facility is located; and
 - b. The minimum number of parking spaces required shall be the same as the number required for a dwelling with similar occupancy density in the same zone.
3. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others.
4. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

- a. Provide a certified copy of such license to the city recorder;
- b. Certify, in a sworn affidavit submitted with the application for a business license, compliance with the Americans with Disabilities Act;
- c. Certify, in a sworn affidavit submitted with the application for a business license, that no person will be placed or remain in the facility whose prior or current behavior, actions and/or criminal incidents or convictions, have demonstrated that such person is or may be a substantial risk or direct threat to the health or safety of other individuals, or whose said behavior, actions and/or incidents or convictions have resulted in or may result in substantial physical damage to the property of others.

5. The use permitted by this section is nontransferable and shall terminate if:

- a. A facility is devoted to or used as other than a residential facility for persons with a disability; or
- b. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked; or
- c. The facility fails to comply with the conditions set forth in this section.

6. In the A-1 and R-1-22 zones no residential facility for persons with a disability shall exceed five (5) residents, not including staff, or the family that owns the residence.

7. In the R-1-10, no residential facility for persons with disabilities shall exceed five (5) residents, not including staff, or the family that owns the residence.

8. No residential facilities for persons with disabilities shall be permitted in the C-G, C-N, L-I, and I-G zones.

9. Residential facilities for persons with disabilities that are substance abuse facilities and are located within five hundred feet (500') of a school or similar facility, shall provide, in accordance with rules established by the Department of Human Services under Title 62A, Chapter 2, Licensure of Program and Facilities:

- a. a security plan satisfactory to local law enforcement authorities;
- b. twenty-four (24) hour supervision for residents; and
- c. other twenty-four (24) hour security measures.

D. Reasonable Accommodations. None of the foregoing conditions shall be interpreted to limit reasonable accommodations necessary to allow the establishment or occupancy of a residential facility for person(s) with a disability.

1. Any person or entity who wishes to request a reasonable accommodation shall make application to the city planning commission. Said applications shall specifically articulate, in writing, the following:

- a. The name, mailing address, and phone number of the applicant;

- b. The nature and extent of the disability;
- c. An exact statement of the ordinance or policy from which the applicant needs a reasonable accommodation;
- d. The applicant's proposed reasonable accommodations;
- e. A statement detailing why a reasonable accommodation is necessary; and
- f. The physical address of the property where the applicant intends on living.

2. When considering whether or not to grant a reasonable accommodation, the city planning commission shall consider the following factors, among others deemed appropriate and applicable:

- a. The zoning ordinance applicable to the property;
- b. The parking, traffic, and noise impact on the neighborhood if the reasonable accommodation is granted;
- c. Whether or not the accommodation will be an undue burden or expense to the city;
- d. The extent to which the accommodation will or will not benefit the applicant;
- e. The extent to which the accommodation will or will not benefit the community;
- f. Whether or not the accommodation fundamentally alters the city-wide zoning ordinance and whether or not the accommodation would likely create a fundamental change in the character of a residential neighborhood;
- g. Whether or not the applicant has demonstrated that the accommodation will affirmatively enhance the applicant's life, or ameliorate the effects of the applicant's disability, or the lives or disabilities on whose behalf the entity is applying;
- h. Whether or not, without the accommodation, similar housing is available in West Bountiful City for the applicant or group of applicants;
- i. Given the scope of the accommodation requested, what is the impact on the immediate neighborhood; and
- j. The requirements of applicable Federal and State laws and regulations.

3. Written findings and conclusions of the city planning commission shall be sent to the applicant within thirty (30) days after the decision by the city planning commission; and

4. If a request for a reasonable accommodation is denied, such decision may be appealed to the city council.

17.84.030 Residential facilities for elderly persons.

A. Purpose. The purpose of this code is to comply with Title 10, Chapter 9a, Sections 516 through 519, Utah Code Annotated, 1953, as amended.

B. Compliance. "Residential facilities for elderly persons" shall comply with all requirements of Sections 10-9a-516 through 519, and also the following requirements:

1. The facility shall meet all applicable building codes, safety codes, zoning regulations, the Americans with Disabilities Act, and health ordinance applicable to single-family or similar dwellings; except as may be modified by the provisions of this chapter;
2. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:
 - a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or
 - b. Has or may engage in conduct resulting in substantial physical damage to the property of others;
3. Minimum site development standards shall be the same as those for a dwelling unit in the zone in which the facility is located;
4. The facility shall be capable of being used as a residential facility for elderly persons without structural or landscaping alterations that would change the structure's residential character;
5. The use granted and permitted by this section is nontransferable and terminates if the structure is devoted to any use other than as a residential facility for the elderly or if the structure fails to comply with the applicable health, safety, zoning and building codes; and
6. No residential facility for elderly persons which facility has more than five (5) elderly persons in residence shall be established or maintained within three-fourths (3/4) of a mile measured in a straight line between the closest property lines of the lots or parcels of similar facilities, residential facilities for persons with disabilities, protective housing facilities, transitional housing facilities, assisted living facilities, rehabilitation/treatment facilities, or a nonresidential treatment facility.

17.84.040 Design standards for protective housing, rehabilitation/treatment facilities (both residential and nonresidential), transitional housing, and assisted living facilities, when allowed as a permitted or conditional use within West Bountiful City.

A. Any newly constructed, or remodeled facility in a residential zone or immediately abutting a residential zone shall comply with the following design standards:

1. All setbacks shall be according to the requirements of the residential zone in which the facility sits, or if the facility is in a commercial zone abutting a residential zone the setbacks shall be those of the abutting residential zone;
2. All required or accessory parking areas shall be located either in the rear yard area of the lot, or behind the main building or garage;

3. In addition to the maximum height restrictions of the individual residential zone, new building or additional buildings shall not exceed one hundred ten percent (110%) of the average height of the closest dwellings on both sides of the proposed structure;

4. In order for new construction to reflect the design and character of the existing neighborhood the following standards shall be met:

a. The roof design of the proposed structure or remodel shall be a pitched roof of the same slope as the most common roof slope of the homes on the side of the block on which the building is proposed; and

b. The type of exterior materials shall be of traditional home finished materials of brick, siding, or stucco. The use of these materials shall be applied in such a manner as to blend in with the neighborhood where the building is located and not draw undue attention to the building because of the materials, their color and combination being uncharacteristic of the other buildings in the neighborhood.

5. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

a. May be determined to be or does constitute a substantial risk or direct threat to the health or safety of other individuals; or

b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

6. To the extent similar requirements to any contained in this section (17.84.040) are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations, subject to the conflicts resolution provisions of this subsection (F).

17.84.050 Non-residential treatment facilities.

A. Non-residential treatment facilities shall not be built within West Bountiful City except as specifically allowed as a permitted or conditional use by proper designation in a zone or zones as outlined in Title 17. Each permitted facility, or facility allowed as a conditional use, shall conform to the following requirements:

1. The facility shall comply with all building, safety, zoning and health regulations, the Americans with Disabilities Act, fire regulations, and all applicable state core standards and licensing requirements, and any standards set forth in any contract with a state agency.

2. The following site development standards and parking standards shall be applicable:

a. Each facility shall be subject to minimum site development standards applicable to a business in the zone in which the facility may be located; and

b. The minimum number of parking spaces required shall be the same as the number required for an office building with similar size, occupancy, and density in the same zone.

3. Prior to occupancy of the facility, the person or entity licensed or certified by the Department of Human Services or the Department of Health to establish and operate the facility shall:

- a. Provide a certified copy of such license with the city recorder;
- b. Certify, in a sworn affidavit submitted with application for a business license, compliance with the Americans with Disabilities Act.

4. The use permitted by this section is nontransferable and shall terminate if:

- a. A facility is devoted to or used as other than a nonresidential facility; or
- b. The license or certification issued by the Department of Human Services, Department of Health or any other applicable agency, terminates or is revoked, or the facility fails to comply with the conditions set forth in this section.

5. No nonresidential treatment facility shall be established or maintained within seven hundred feet (700') measured in a straight line between the closest property lines of the lots or parcels of the following facilities:

- a. A residential facility for persons with a disability;
- b. A residential facility for elderly with more than five (5) elderly persons in a residence; or
- c. Any of the following facilities: protective housing facility, transitional housing facility, assisted living facility or rehabilitation/treatment facility, a nonresidential treatment facility, and elementary schools.

6. No facility shall be made available to an individual who has demonstrated, by prior behavior, actions and/or criminal convictions, or as a resident, that he or she:

- a. May be determined to be or does constitute a direct threat or substantial risk to the health or safety of other individuals; or
- b. Has or may engage in conduct resulting in substantial physical damage to the property of others.

7. To the extent similar requirements to any contained in this section (17.84.050) are contained in the specific zone in which any facility referred to herein may be located, the more restrictive provisions shall apply, and the requirements stated herein shall be considered to be in addition to presently existing zoning regulations, subject to the conflicts resolution provisions of this subsection (G).

17.84.060 Limitations.

A. Only such uses and facilities as are specifically authorized in this chapter and in this title as permitted or conditional uses shall be allowed. All other uses and facilities are prohibited.

(17.84 Amendment - November 20, 2007; Ord. 299-07)

Chapter 17.88 WIRELESS TELECOMMUNICATIONS

Sections:

17.88.010 Short title.

17.88.020 Purpose.

17.88.030 Findings.

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17.88.050 Applicability.

17.88.060 Application requirements.

17.88.070 Approval process.

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17.88.110 Permitted and conditional uses.

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17.88.130 Lease agreement.

17.88.140 Standards for antennas and antenna support structures.

17.88.150 Additional conditional use permit considerations.

17.88.160 Additional regulations for monopoles and towers.

17.88.170 Safety.

17.88.180 Site requirements.

17.88.010 Short title.

This chapter shall be known as the wireless telecommunications zoning ordinance. (Ord. 256-98 § 1.1)

17.88.020 Purpose.

The purposes of this chapter are:

- A. To regulate personal wireless services antennas, with or without support structures, and related electronic equipment and equipment structures;

- B. To provide for the orderly establishment of personal wireless services facilities in the city;
- C. To minimize the number of antenna support structures by encouraging the colocation of multiple antennas on a single structure, by encouraging the location of antennas on pre-existing support structures, and by encouraging the use of city-owned property for antenna support structures;
- D. To establish siting, appearance and safety standards that will help mitigate potential impacts related to the construction, use and maintenance of personal wireless services facilities;
- E. To comply with the Telecommunications Act of 1996 by establishing regulations that: (1) do not prohibit or have the effect of prohibiting the provision of personal wireless services; (2) do not unreasonably discriminate among providers of functionally equivalent services; and (3) are not based on the environmental effects of radio frequency emissions to the extent that such facilities comply with the Federal Communication Commission's regulations concerning such emissions. (Ord. 256-98 § 1.2)

17.88.030 Findings.

The city council makes the following findings:

- A. Personal wireless services devices are an integral part of the rapidly growing and evolving telecommunications industry, and present unique zoning challenges and concerns for the city.
- B. The city needs to balance the interests and desires of the telecommunications industry and its customers to provide competitive and effective telecommunications systems in the city, against the sometimes differing interests and desires of others concerning health, safety, welfare and aesthetics, and orderly planning of the community.
- C. The city has experienced an increased demand for personal wireless services facilities to be located in the city, and expects the increased demand to continue into the future.
- D. It is in the best interests of the city to have quality personal wireless services available, which necessarily entails the erection of personal wireless services facilities in the city.
- E. The unnecessary proliferation of personal wireless services facilities throughout the city creates a negative visual impact on the community.
- F. The visual effects of personal wireless services facilities can be mitigated by fair standards regulating their siting, construction, maintenance and use.
- G. The city owns parcels of property throughout the city, where personal wireless services facilities can be located so as to be as inoffensive as possible to the residents and businesses of the city.
- H. Spacing personal wall mounted antennas, roof mounted antennas and stealth facilities evenly throughout the city reduces the negative impact created by the proliferation of telecommunication towers.
- I. Because of the height and appearance of personal wireless services facilities, surrounding properties bear a disproportionate share of the negative impacts of a telecommunications tower.

J. A private property owner who leases space for a personal wireless services facility is the only one who receives compensation for the facility, even though numerous other property owners in the area are adversely affected by the location of the facility.

K. Encouraging personal wireless services facilities to be located on city property, with lease payments paid to the city instead of an individual property owner, indirectly compensates all citizens of the community for the adverse impacts of the facilities, and is therefore the fairest method of distributing burden and benefit.

L. Locating antennas on existing buildings and structures creates less of a negative visual impact on the community than the erection of towers.

M. Buildings and structures on public property are capable of being used to provide support for antenna arrays, thus reducing the proliferation of towers in all areas of the city.

N. The public policy objectives to reduce the proliferation of telecommunication towers and to mitigate their impact can best be facilitated by permitting the locating of antennas on telecommunication towers and antenna support structures that are located on property owned, leased or used by the city.

O. The requirements set forth in this chapter for the placement of personal wireless services facilities on property owned, leased or used by the city are necessary to protect the health, safety and general welfare of the community.

P. Title 69, Chapter 3, Utah Code Annotated, grants cities the authority to create or acquire sites to accommodate the erection of telecommunication towers in order to promote the location of telecommunication towers in a manageable area and to protect the aesthetics and environment of the area. The law also allows the city to require the owner of any tower to accommodate the multiple use of the tower by other companies where feasible and to pay the city the fair market rental value for the use of any city-owned site. (Ord. 256-98 § 1.3)

17.88.040 Definitions.

The following words shall have the described meaning when used in this chapter, unless a contrary meaning is apparent from the context of the word.

"Antenna" means a transmitting or receiving device used in telecommunications that radiates or captures radio signals.

"Antenna support structures" means any structure that can be used for the purpose of supporting an antenna(s).

"City" means the city of West Bountiful, Utah.

"City-owned property" means real property that is owned, leased or controlled by the city.

"Co-location" means the location of an antenna on an existing structure, tower or building that is already being used for personal wireless services facilities.

"Guyed tower" means a tower that supports an antenna or antennas and requires guy wires or other stabilizers for support.

"Lattice tower" means a self-supporting three or four-sided, open steel frame structure used to support telecommunications equipment.

"Monopole" means a single, self-supporting, cylindrical pole, constructed without guy wires or ground anchors, that acts as the support structure for antennas.

"Monopole antenna with platform" means a monopole with antennas and antenna support structure exceeding three feet in width, but not exceeding fifteen (15) feet in width or eight feet in height.

"Monopole antenna with no platform" means a monopole with antennas and antenna support structure not exceeding three feet in width or ten (10) feet in height.

"Nonresidential" means all zones except residential and agricultural.

"Personal wireless services" means commercial mobile telecommunications services, unlicensed wireless telecommunications services, and common carrier wireless telecommunications exchange access services.

"Personal wireless services antenna" means an antenna used in connection with the provision of personal wireless services.

"Personal wireless services facilities" means facilities for the provision of personal wireless services. Personal wireless services facilities include transmitters, antennas, structures supporting antennas, and electronic equipment that is typically installed in close proximity to a transmitter.

"Private property" means any real property not owned by the city, even if the property is owned by another public or governmental entity.

"Roof mounted antenna" means an antenna or series of individual antennas mounted on a roof, mechanical room or penthouse of a building or structure.

"Stealth facilities" means personal wireless services facilities which have been designed to be compatible with the natural setting and surrounding structures, and which camouflage or conceal the presence of antennas and/or towers. The term includes, but is not limited to, clock towers, church steeples, light poles, flag poles, signs, electrical transmission facilities and water tanks.

"Tower" means a free-standing structure, such as a monopole tower, lattice tower, or guyed tower, that is used as a support structure for personal wireless services facilities.

"Wall mounted antenna" means an antenna or series of individual antennas mounted on the vertical wall of a building or structure.

"Whip antenna" means an antenna that is cylindrical in shape. Whip antennas can be directional or omnidirectional and vary in size depending on the frequency and gain for which they are designed. (Ord. 256-98 § 1.4)

17.88.050 Applicability.

This chapter (the wireless telecommunications zoning ordinance) applies to both commercial and private low power radio services and facilities, such as cellular or PCS (personal communications system) communications and paging systems. This chapter shall not apply to the following types of communications devices, although they may be regulated by other city ordinances and policies:

A. Satellite: any device designed for over-the-air reception of television broadcast signals, multichannel multi-point distribution service or direct satellite service.

B. Cable: any cable television headend or hub towers and antennas used solely for cable television services. (Ord. 256-98 § 1.5)

17.88.060 Application requirements.

Any person desiring to develop, construct or establish a personal wireless services facility in the city shall submit an application for site plan approval to the city. The city shall not consider the application until all required information has been included. The application shall include the following:

A. Fee. The applicable fee set by the city.

B. Site Plan. A site plan consisting of one or more pages of maps and drawings drawn to scale. The applicant shall submit five copies of the proposed site plan. One of the copies shall be eight and one-half inches by eleven (11) inches, and the other four copies shall be at least eight and one-half inches by eleven (11) inches, but not larger than twenty-four (24) inches by thirty-six (36) inches. The proposed site plan shall be drawn to a scale large enough to clearly show all details and in any case not smaller than sixty (60) feet to the inch. The site plan for personal wireless services facilities shall include the following information and items:

1. Name and street address of the site or location;
2. Name of applicant;
3. Name of owner of property;
4. North arrow;
5. Scale of drawing;
6. Area of lot in square feet;
7. Lot line dimensions;
8. A vicinity map containing sufficient information to accurately locate the property shown on the plan;
9. Names and locations of fronting streets and locations and dimensions of public streets, private streets and driveways;
10. Footprints of existing and proposed buildings and structures, including a notation of each unit's height above the grade;
11. Location and size of existing and proposed antennas, with dimensions to property lines;
12. Location of existing and proposed fire protection devices;
13. Location, dimensions and distance to property lines of existing and proposed drive accesses;

14. Location and dimensions of existing and proposed curbs, gutters and sidewalks;
15. Location and dimension of off-street parking spaces;
16. Location and type of surface water drainage system;
17. Drawings of proposed structure elevations showing the height, dimensions, appearance and materials proposed;
18. Location and description (height, materials) of existing and proposed fences;
19. Location and description (dimensions, distance to property lines and type of lighting (direct or indirect)) of existing and proposed signs;
20. A security lighting plan, if proposed;
21. Landscape plan to scale indicating size, spacing and type of plantings;
22. A signed lease agreement with the city if the site is located on city property.

C. Written Information. The following written information:

1. Environment. A full description of the environment surrounding the proposed facility, including a description of adjacent uses, any adjacent residential structures, and any structures and sites of historic significance;
2. Maintenance. A description of the anticipated maintenance needs for the facility, including frequency of service, personnel needs, equipment needs, and traffic noise and safety impacts of such maintenance;
3. Service Area. A description of the service area for the facility and a statement as to whether the facility is needed for coverage or capacity;
4. Location. A map showing the site and the nearest or associated personal wireless service facility sites within the network. Describe the distance between the personal wireless service facility sites. Describe how this service area fits into the service network;
5. Licenses and Permits. Copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility;
6. Radio Frequency Emissions. A written commitment to comply with applicable Federal Communications Commission radio frequency emission regulations;
7. Liaison. The name of a contact person who can respond to questions concerning the application and the proposed facility. Include name, address, telephone number, facsimile number and electronic mail address, if applicable.

D. Additional Information Requirements for Monopoles. If the applicant desires to construct a monopole, the applicant shall also submit a detailed written description of why the applicant cannot obtain coverage using existing buildings or structures.

E. Additional Information Requirement for Facilities Not Located on Highest Priority Site. If the applicant desires to locate antennas on a site other than the highest priority site (as described in Section 17.88.090), the applicant shall provide the following information to the approving authority:

1. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area;
2. Reason for Rejection of Higher Priority Sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible;
3. Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. (Ord. 256-98 § 2.1)

17.88.070 Approval process.

The application and site plan shall be reviewed by the city pursuant to its standard site plan approval process. If the facility requires a conditional use permit, the review shall be pursuant to the city's standard conditional use permit approval process. The city shall process all applications within a reasonable time and shall not unreasonably discriminate among providers of functionally equivalent services. Any decision to deny a request to place, construct or modify personal wireless service facilities will be supported by city's reasons for denying. (Ord. 256-98 § 2.2)

17.88.080 Building permits.

A. General Requirements. No tower or antenna support structure shall be constructed until the applicant obtains a building permit from the city. No building permit shall be issued for any project for which a site plan, amended site plan or conditional use permit is required, until the site plan, amended site plan or conditional use permit has been approved by the appropriate authority. If the design or engineering of the antenna support structure is beyond the expertise of the city building official, the city may require third party review by an engineer selected by the city prior to the issuance of a building permit. The applicant shall pay an additional fee to cover the cost of the third party review.

B. Additional Requirements for Monopoles and Towers. If the applicant is constructing a monopole or other tower-type structure, the applicant shall, if requested by the city, submit a written report from a qualified, structural engineer licensed in the state of Utah, documenting the following:

1. Height and design of the monopole or tower, including technical, engineering, economic and other pertinent factors governing selection of the proposed design;
2. Seismic load design and wind load design for the monopole or tower;
3. Total anticipated capacity of the monopole or tower, including number and types of antennas, and antenna support platforms, which can be accommodated;
4. Structural failure characteristics of the monopole or tower and a demonstration that the site and setbacks are of adequate size to contain debris;
5. Soil investigation report, including structural calculations. (Ord. 256-98 § 2.3)

17.88.090 Location--Priority of antenna site locations.

Personal wireless services antennas shall be located as unobtrusively as is reasonably possible.

To accomplish this goal, the provider shall make a good faith effort to locate antennas on sites in the following order of priority:

- A. Existing City-Owned Structures. Existing buildings, structures and antenna support structures located on city-owned property;
- B. Existing Structures. Lawfully existing buildings, structures and antenna support structures; provided, that the buildings, structures or support structures are: (1) located in a nonresidential zone; or (2) located in a residential zone on property that is being used for nonresidential uses (e.g., government, school or church); or (3) located in a residential zone on a property that is being used for a multifamily residential building having eight or more dwelling units and which is at least thirty-five (35) feet in height;
- C. Stealth Facilities. Stealth facilities as defined by this chapter;
- D. Monopoles on City-Owned Property. Monopoles constructed on city-owned property;
- E. Monopoles on Nonresidential Private Property. Monopoles constructed on private property; provided, that the private property is: (1) located in a nonresidential zone; or (2) located in a residential zone on property that is used for a nonresidential use (e.g., government, school or church);
- F. Other. Sites other than those listed above. (Ord. 256-98 § 3.1)

17.88.100 Location--Burden of proof.

The applicant shall attempt to locate its antennas on sites in the order of priority set forth above. If the applicant desires to locate antennas on a site other than the highest priority site, the applicant shall have the burden of demonstrating to the approving authority why it could not locate antennas on sites with a higher priority than the site chosen by the applicant. To do so, the applicant shall provide the following information to the approving authority:

- A. Higher Priority Sites. The identity and location of any higher priority sites located within the desired service area;
- B. Reason for Rejection of Higher Priority Sites. The reason(s) why the higher priority sites are not technologically, legally or economically feasible. The applicant must make a good faith effort to locate antennas on a higher priority site. The city may request information from outside sources to justify or rebut the applicant's reasons for rejecting a higher priority site;
- C. Justification for Proposed Site. Why the proposed site is essential to meet the service demands of the geographic service area and the citywide network. (Ord. 256-98 § 3.2)

17.88.110 Permitted and conditional uses.

A. Permitted Uses. The following antenna locations are permitted uses, provided that the applicant complies with other applicable laws and regulations:

- 1. Existing Structures on City-Owned Property. Existing buildings, structures and antenna support structures located on city-owned property;

2. Existing Structures on Private Property. Lawfully existing buildings and structures located on private property; provided, that the private property is: (1) located in a non-residential zone; or (2) located in a residential zone on property that is used for a non-residential use (e.g., government, school or church); or (3) located in a residential zone on property that is being used for a multifamily residential building having eight or more dwelling units and which is at least thirty-five (35) feet in height;

3. Co-location. Co-location on a lawfully existing antenna support structure located on private property;

4. Monopoles in Industrial Areas. Monopoles constructed in industrial or manufacturing zones;

5. Stealth Facilities in Nonresidential Zones. Stealth facilities constructed in non-residential zones, unless they are constructed as part of a structure for which a conditional use permit is otherwise required, in which case they shall be conditional uses.

B. Not Permitted Uses. The following antenna types and antenna locations are not permitted, except upon a showing of necessity (inability to achieve coverage or capacity in the service area) by the applicant, in which case they shall be considered as conditional uses:

1. Lattice Towers and Guyed Towers. Lattice towers, guyed towers, and other non-stealth towers, with the exception of monopoles, are not permitted in any zone.

2. Monopoles on Private Property in a Residential Zone. Monopoles located on residentially zoned private property, if the residentially zoned property has a residential use (as opposed to a school, church, or other nonresidential use).

C. Conditional Uses. Antennas proposed for any other location shall be considered as conditional uses; provided, that the applicant complies with other applicable laws and regulations. (Ord. 256-98 § 3.3)

17.88.120 Co-location requirement.

Unless otherwise authorized by the city for good cause shown, every new monopole shall be designed and constructed to be of sufficient size and capacity to accommodate at least two additional wireless telecommunications provider on the structure in the future which shall meet all applicable requirements as forth in Section 17.88.060 through 17.88.080. Any conditional use permit for the monopole may be conditioned upon the agreement of the applicant to allow colocation of other personal wireless providers on such terms as are common in the industry. (Ord. 256-98 § 3.4)

17.88.130 Lease agreement.

The city shall enter into a standard lease agreement with the applicant for any facility built on city property. The city administrator or mayor or designee is authorized to execute the standard lease agreement on behalf of the city. The lease shall contain the condition that the site plan and/or conditional use permit must first be approved by the approving authority before the lease can take effect, and that failure to obtain such approval renders the lease null and void. (Ord. 256-98 § 3.5)

17.88.140 Standards for antennas and antenna support structures.

Personal wireless services facilities are characterized by the type or location of the antenna structure. There are five general types of antenna structures contemplated by this chapter: wall mounted antennas; roof mounted antennas; monopoles with no platform; monopoles with a platform; and stealth facilities. If a particular type of antenna structure is allowed by this chapter as a permitted or conditional use, the minimum standards for that type of antenna are as follows, unless otherwise provided in a conditional use permit:

A. Wall Mounted Antennas.

1. Maximum Height. Wall mounted antennas shall not extend above the roof line of the building or structure or extend more than four feet horizontally from the face of the building.
2. Setback. Wall mounted antennas shall not be located within one hundred (100) feet of any residence.
3. Mounting Options. Antennas mounted directly on existing parapet walls, penthouses or mechanical equipment rooms are considered to be wall mounted antennas if no portion of the antenna extends above the roof line of the parapet wall, penthouse or mechanical equipment room.
4. Color. Wall mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on the building shall be architecturally compatible with the building. Whip antennas are not allowed on a wall mounted antenna structure.

B. Roof Mounted Antennas.

1. Maximum Height. The maximum height of a roof mounted antenna shall be eighteen (18) feet above the roof line of the building.
2. Setback. Roof mounted antennas shall be located at least five feet from the exterior wall of the building or structure, and at least fifty (50) feet from any residence.
3. Mounting Options. Roof mounted antennas may be mounted on top of existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structure may not extend more than eight feet above the existing roof line of the penthouse or mechanical equipment room.
4. Color. Roof mounted antennas, equipment and supporting structures shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and supporting structures shall be architecturally compatible with the building.
5. Combination of Wall and Roof Mounted Antennas. Any building may have a combination of wall and roof mounted antennas. The total area for all wall and roof mounted antennas and supporting structures on any one building shall not exceed the lesser of sixty (60) square feet or five percent of each exterior wall of the building.

C. Monopoles with no Platform.

1. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be one hundred (100) feet, with the allowance for an antenna or antenna support structure for a maximum of one hundred and ten (110) feet in height. The entire antenna structure mounted on the monopole shall not exceed three feet in width. The antenna itself shall not exceed ten (10) feet in height.

2. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

3. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

D. Monopoles with Platform.

1. Maximum Height and Width. The maximum height of the monopole or monopole antenna shall be one hundred (100) feet, with the allowance for an antenna or antenna support structure, for a maximum of one hundred and ten (110) feet in height. The antennas and antenna mounting structures on the monopole shall not exceed eight feet in height or fifteen (15) feet in width. The antenna itself shall not exceed ten (10) feet in height.

2. Setback. Monopoles shall be set back a minimum of one hundred fifteen (115) percent of the height of the monopole from any residential lot line, measured from the base of the monopole to the nearest residential lot line.

3. Color. Monopoles, antennas and related support structures shall be painted a neutral color, or a color to match the background against which they are most commonly seen.

E. Stealth Facilities--Maximum Height. The maximum height of a stealth facility shall be the maximum structure height on the zoning district in which the stealth facility is located. The applicant may exceed the maximum structure height if allowed pursuant to a conditional use permit. (Ord. 256-98 § 4.1)

17.88.150 Additional conditional use permit considerations.

In addition to the city's standard conditional use permit considerations, the city shall consider the following factors when deciding whether to grant a conditional use permit for a personal wireless services facility:

A. Compatibility. Compatibility of the facility with the height, mass and design of buildings, structures and uses in the vicinity of the facility;

B. Screening. Whether the facility uses existing or proposed vegetation, topography or structures in a manner that effectively screens the facility;

C. Disguise. Whether the facility is disguised in a manner that mitigates potential negative impacts on surrounding properties;

D. Parcel Size. Whether the facility is located on a parcel of sufficient size to adequately support the facility;

E. Location on Parcel. Whether the structure is situated on the parcel in a manner that can best protect the interests of surrounding property owners, but still accommodate other appropriate uses of the parcel;

F. Location in General. Whether location or co-location of the facility on other structures in the same vicinity is practicable, without significantly affecting the antenna transmission or reception capabilities;

G. Co-location. The willingness of the applicant to allow co-location on its facility by other personal wireless services providers on such terms as are common in the industry. (Ord. 256-98 §4.2)

17.88.160 Additional regulations for monopoles and towers.

A. Distance from other Monopoles. Monopoles and towers shall be located at least three thousand (3,000) feet from each other, except upon a showing of necessity by the applicant, or upon a finding by the city that a closer distance would adequately protect the health, safety and welfare of the community. This distance requirement shall not apply to stealth facilities or to antennas attached to existing lawful structures such as transmission towers, utility poles, outdoor lighting structures, and water tanks.

B. Location on Parcel. Monopoles shall be located as unobtrusively on a parcel as possible, given the location of existing structures, nearby residential areas, and service needs of the applicant. Monopoles shall not be located in a required landscaped area, buffer area or parking area. (Ord. 256-98 § 4.3)

17.88.170 Safety.

A. Regulation Compliance.

1. Compliance with FCC and FAA Regulations. All operators of personal wireless services facilities shall demonstrate compliance with applicable Federal Communication Commission (FCC) and Federal Aviation Administration (FAA) regulations, including FCC radio frequency regulations, at the time of application and periodically thereafter as requested by the city. Failure to comply with the applicable regulations shall be grounds for revoking a site plan or conditional use permit approval.

2. Other Licenses and Permits. The operator of every personal wireless services facility shall submit copies of all licenses and permits required by other agencies and governments with jurisdiction over the design, construction, location and operation of the facility to the city, shall maintain such licenses and permits in good standing, and shall provide annually evidence of renewal or extension thereof.

B. Protection Against Climbing. Monopoles shall be protected against unauthorized climbing by removing the climbing pegs from the lower twenty (20) feet of the monopole.

C. Fencing. Monopoles and towers shall be fully enclosed by a minimum six-foot tall fence or wall, as directed by the city, unless the city determines that a wall or fence is not needed or appropriate for a particular site due to conditions specific to the site.

D. Security Lighting Requirements. Monopoles and towers shall comply with the FAA requirements for lighting. As part of the conditional use permit consideration, the city may also

require security lighting for the site. If security lighting is used, the lighting impact on surrounding residential areas shall be minimized by using indirect lighting, where appropriate.

E. Abandonment. The city may require the removal of all personal wireless service facilities upon written notice if the facility has been inoperative or out of service for more than three consecutive months.

1. Notice. Notice to remove shall be given in writing by personal service, or by certified mail addressed to the operator's last known address.

2. Violation. Failure to remove the personal wireless service facilities after receiving written notice to remove is a violation of the terms of this chapter and is a Class B misdemeanor. The city may initiate criminal and/or civil legal proceeding against any person, firm, entity or corporation, whether acting as principal, agent, property owner, lessee, lessor, tenant, landlord, employee, employer or otherwise. Commencement of removal must begin within fifteen (15) days and be completed within thirty (30) days. Any lease agreement with the city may also stipulate failure to remove the antennas and monopoles after receiving written notice to do so pursuant to this chapter automatically transfers ownership of the antennas, monopoles, support buildings and all other structures on the site to the city. (Ord. 256-98 § 5)

17.88.180 Site requirements.

A. Regulations for Accessory Structures.

1. Storage Areas and Solid Waste Receptacles. No outside storage or solid waste receptacles shall be permitted on the site.

2. Equipment Enclosures. All electronic and other related equipment and appurtenances necessary for the operation of any personal wireless services facility shall, whenever possible, be located within a lawfully pre-existing structure or completely below grade. When a new structure is required to house such equipment, the structure shall be harmonious with, and blend with, the natural features, buildings and structures surrounding such structure.

3. Accessory Buildings. Freestanding accessory buildings used with a personal wireless services facility shall not exceed four hundred fifty (450) square feet and shall comply with the setback requirements for structures in the zone in which the facility is located.

B. Parking. The city may require a minimum of one parking stall for sites containing a monopole, tower, and/or accessory buildings, if there is insufficient parking available on the site.

C. Maintenance Requirements. Any operation of a personal wireless services facility shall maintain the facility in a safe, neat and attractive manner.

D. Landscaping. All sites with a personal wireless services facility shall be landscaped in accordance with the zone requirements where the facility is located. Any such landscaping on city owned property shall be subject to applicable provision of any lease with the city regarding such property. (Ord. 256-98 §6)

Chapter 17.92

OUTDOOR STORAGE AND OUTDOOR MERCHANDISING

Sections:

17.92.010 Requirements generally.

17.92.010 Requirements generally.

In addition to requirements found elsewhere in this code and laws of the state, all outdoor storage and outdoor merchandising shall be done under the requirements of this chapter.

A. Outdoor storage facilities for "automobile graveyards," "junk," "junk dealers," "scrap metal processor" and "junkyards" are prohibited.

B. Outdoor storage facilities for raw materials, parts and products, except for agricultural products, shall be enclosed by a fence or wall at least six feet in height and impervious to sight, adequate to conceal such facilities from adjacent property and the street unless expressly exempted elsewhere in this code. No items may be stacked higher than the fence or wall of the enclosure.

C. No material or waste shall be deposited upon any property in such form or manner that may be transferred off such property by natural causes or forces. All materials or wastes which, in the opinion of the city, cause excessive fumes or dust, or which constitute a fire hazard, or which may be edible by, or otherwise be attractive to rodents or insects may not be stored outdoors.

D. No yard or other open space around an existing building or which is hereafter provided around any building for the purpose of complying with the provisions of this chapter, shall be used for the storage of junk, building materials, debris, inoperable vehicles or commercial equipment, and no other land shall be used for such purposes except as specifically permitted herein.

E. Open storage of hay or other agricultural products shall be located not less than forty (40) feet from a public street, and fifty (50) feet from any dwelling on adjoining property; except, that any accessory building containing such products shall be located as required for all agricultural accessory buildings as provided by this code.

F. Outdoor merchandising may include provisions for off-site, temporary vehicle parking, where the parking is controlled by an access gate and the term of parking shall not exceed five consecutive days without the vehicle being removed from the site.

G. Seasonal outdoor merchandising shall be limited to the specific seasonal duration approved by the planning commission through a conditional use permit. All materials, displays, fencing, lighting and other facilities associated with the outdoor merchandising function shall be precluded at all other times.

H. Outdoor merchandising shall be consistent with the nature and use of the associated business or as provided by the planning commission under a conditional use permit. (Ord. 269-00 (part))

Appendix A

Storage / Merchandising Permitted and Conditional Use Matrix

"C" represents Conditional Use

"P" represents Permitted Use

The number(s) under the restrictions refer to the restrictions at the end of the matrix sheets If a block is blank, outdoor storage and/or outdoor merchandising is not allowed.

Outdoor Storage and Outdoor Merchandising

CN Zone CG Zone LI Zone Permitted or Conditional Restrictions

Permitted or Conditional Restrictions

Permitted or Conditional Restrictions

Public or quasi-public uses C 1 C 1 C I

General merchandise sales (retail or wholesale) less than 2000 sq. ft. P 2 P 2

Offices, business, professional Convenience stores Learning studios C3C3

Real estate or insurance Computer - software sales / service Office machine sales / service Ceramic business Carpet cleaning Reception center; meeting hall Restaurants, cafeterias, fast food Banking and financial services Custom woodworking C2/3

Sheet metal C3

Contractor - general, electrical, mechanical, plumbing C4

Printing and publishing CC

Silk screening Lawn and yard care C

Businesses and uses which are similar to 17.28.020 and 17.28.030 C

Motor vehicle sales and service C1, 5C5C5

Grocery store C

Lumber and other building material, retail sales C4

Marine and aircraft retail sales and accessories C5

Theaters Commercial schools C3

Hospitals and medical service facilities Liquor, retail package store Drinking place (alcoholic beverages) Other retail businesses which are similar to 17.32.020 and 17.32.030 C1, 3, 7

Research and development CC

Warehouse and storage facilities C3C3/4

Automotive parts and accessories - not tires or batteries C4P3/4

Steel structural members and related products C1, 4P3/4

Lumber and wood products C1, 4P

Apparel and other textile products P4

Paper and allied products P6

Electronic and electrical products CC6

Rubber and plastic products CC6

Other uses similar to 17.36.020 and 17.36.030 CC

Storage of inflammable bulk liquids C6

Outdoor storage of merchandise or equipment C8

Other uses and businesses similar to 17.40.020 and 17.40.030 C

Restrictions:

1. Provide for visual screening, intrusion protection
2. Merchandise to be stored indoors after business hours
3. Storage not to exceed seven days with a minimum of thirty (30) days between storage events
4. Storage to be accomplished within a three-sided, roofed building or structure.
5. Merchandise shall be displayed orderly and shall make up the majority of the business merchandise shall be of such a nature as to allow for immediate sale and use.
6. Storage shall meet appropriate state and/or federal requirements for environmental protections
7. Seasonal merchandise.
8. Materials used in manufacturing.

(Ord. 269-00 (Exh. A))